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tions from the Chief of that Brigade, completed the survey of La Pl sance Bay, and is now engaged in the survey of Sandusky Bay.

The surveys required to be made in North Carolina, of the Sw in Pamtico Sound, near Ocracock Inlet; of Cape Fear River bel the Town of Wilmington; and of Roanoke Inlet and Sound, will commenced by a Topographical Brigade, already warned for that pu pose, as soon as it shall be disengaged from other duties upon whi it is now occupied. It had been expected the Brigade alluded to wou have been ready to have commenced those surveys early in last mont and it is understood that expectation would have been realized, b for the sickness of some of the officers attached to it, which retard the progress of the work upon which it has been engaged. The d parture of the Brigade for North Carolina will take place, certain within a fortnight.

The senior Engineer on the Gulf of Mexico, and the Engineer Mobile Point, were instructed to ascertain the nature and extent the obstructions at the harbor of Mobile, and the means best cal lated for removing them, and for deepening the harbor; and to port the result, and furnish a plan and estimate for effecting th objects. The former had been prevented by sickness from engagi in that duty, but at the date of the last report from him, his hea was nearly re-established, and he was preparing to join the latt who, having already commenced, will have completed the requis preliminary surveys, by the time the other will probably have join him; and their joint report may therefore be shortly expected.

The Military Academy has progressed in a very satisfactory ma ner, during this year. The Board of Visiters, who attended the a nual examination, in June last, have made a report, in which t most favorable representations are contained, respecting the con tion of the academy at that time, and its progress during the ye preceding. Their report, among other suggestions for the improv ment of the institution, renews the recommendation which had be made on previous occasions, relative to the introduction of the ca alry exercise, as an additional branch of instruction. The report transmitted herewith. There were forty-two cadets graduated June last; and two hundred and forty-six were at the academy the first of this month.

The remarks which concluded the annual report of last year, rel tive to the inadequacy of the present numbers of the Corps of Eng neers, and the Topographical Engineers, to attend to the duties r quired to be performed, under the direction of the Engineer Depar ment, have been very fully illustrated during this year, as will perceived by the foregoing report. It is therefore greatly to be d sired, that the bill introduced in Congress at the last session, for i creasing those numbers, may be passed at the ensuing session.

All which is respectfully submitted.

ALEX. MACOMB, *Maj. Gen. Chief Eng.*

The Hon. J. Barbour,
Secretary of War.

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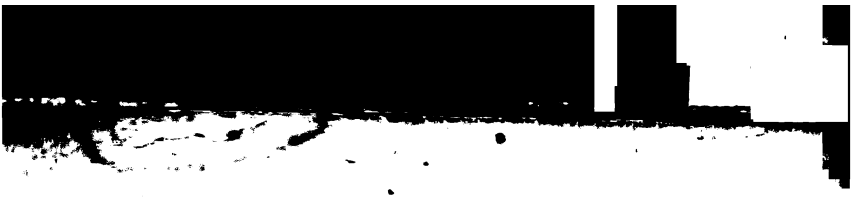

Hon G. C. Verplanck

[Doc. No. 2.] EXECUTIVE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TO BOTH HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE SECOND SESSION

OF THE

NINETEENTH CONGRESS.

DECEMBER 5, 1826.

Read, and referred to the Committee of the Whole on the state of the Union

WASHINGTON:

PRINTED BY GALES & SEATON.

1826.

107766

MESSAGE.

To the Senate and House of Representatives of the United States:

Fellow-Citizens of the Senate,

and of the House of Representatives:

The assemblage of the Representatives of our Union in both Houses of Congress, at this time, occurs under circumstances calling for the renewed homage of our grateful acknowledgments to the Giver of all Good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favored in all the elements which contribute to individual comfort and to national prosperity. In the survey of our extensive country, we have generally to observe abodes of health and regions of plenty. In our civil and political relations, we have peace without, and tranquillity within, our borders. We are, as a People, increasing with unabated rapidity in population, wealth, and national resources; and, whatever differences of opinion exist among us, with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit, animating us all, which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts, and apply them, with unwearied hands, to the advancement of the general good.

Of the subjects recommended to Congress at their last Session, some were then definitively acted upon. Others, left unfinished, but partly matured, will recur to your attention, without needing a renewal of notice from me. The purpose of this communication will be, to present to your view the general aspect of our public affairs at this moment, and the measures which have been taken to carry into effect the intentions of the Legislature as signified by the laws then and heretofore enacted.

In our intercourse with the other nations of the earth, we have still the happiness of enjoying peace and a general good understanding—qualified, however, in several important instances, by collisions of interest, and by unsatisfied claims of justice, to the settlement of which, the constitutional interposition of the legislative authority may become ultimately indispensable.

By the decease of the Emperor Alexander of Russia, which occurred cotemporaneously with the commencement of the last Session of Congress, the United States have been deprived of a long-tried, steady, and faithful friend. Born to the inheritance of absolute power, and trained in the school of adversity, from which no power on earth, however absolute, is exempt, that monarch, from his youth, had been

taught to feel the force and value of public opinion, and to be sensible that the interests of his own Government would best be promoted by a frank and friendly intercourse with this Republic, as those of his People would be advanced by a liberal commercial intercourse with our country. A candid and confidential interchange of sentiments between him and the Government of the United States, upon the affairs of Southern America, took place at a period not long preceding his demise, and contributed to fix that course of policy which left to the other Governments of Europe no alternative but that of sooner or later recognizing the independence of our Southern neighbors, of which the example had, by the United States, already been set. The ordinary diplomatic communications between his successor, the Emperor Nicholas, and the United States, have suffered some interruption by the illness, departure, and subsequent decease of his Minister residing here, who enjoyed, as he merited, the entire confidence of his new Sovereign, as he had eminently responded to that of his predecessor. But we have had the most satisfactory assurances, that the sentiments of the reigning Emperor towards the United States are altogether conformable to those which had so long and so constantly animated his imperial brother; and we have reason to hope that they will serve to cement that harmony and good understanding between the two nations, which, founded in congenial interests, cannot but result in the advancement of the welfare and prosperity of both.

Our relations of commerce and navigation with France are, by the operation of the Convention of 24th of June, 1822, with that nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity, which the United States have constantly tendered to all the nations of the earth, as the rule of commercial intercourse which they would universally prefer, that fair and equal competition is most conducive to the interests of both parties, the United States, in the negotiation of that Convention, earnestly contended for a mutual renunciation of discriminating duties and charges in the ports of the two countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination, so far as it was found attainable, it was agreed that, at the expiration of two years from the 1st of October, 1822, when the Convention was to go into effect, unless a notice of six months on either side should be given to the other that the Convention itself must terminate, those duties should be reduced one-fourth; and that this reduction should be yearly repeated until all discrimination should cease while the Convention itself should continue in force. By the effect of this stipulation, three-fourths of the discriminating duties which had been levied by each party upon the vessels of the other in its ports, have already been removed; and, on the 1st of next October, should the Convention be still in force, the remaining fourth will be discontinued. French vessels, laden with French produce, will be received in our ports on the same terms as our own; and ours, in return, will enjoy the same advantages in the ports of France. By these approximations to an equality of duties and of charges, not only has the commerce between the two countries prospered, but friendly dispositions have been, on both sides, encouraged and promoted. They will continue to be cherished

and cultivated on the part of the United States. It would have been gratifying to have had it in my power to add, that the claims upon the justice of the French Government, involving the property and the comfortable subsistence of many of our fellow-citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the Government of the Netherlands, the mutual abandonment of discriminating duties had been regulated by Legislative acts on both sides. The act of Congress of the 20th of April, 1818, abolished all discriminating duties of Impost and Tonnage, upon the vessels and produce of the Netherlands in the ports of the United States, upon the assurance given by the Government of the Netherlands, that all such duties operating against the shipping and commerce of the United States, in that Kingdom, had been abolished. These reciprocal regulations had continued in force several years, when the discriminating principle was resumed by the Netherlands in a new and indirect form, by a bounty of ten per cent. in the shape of a return of duties to their national vessels, and in which those of the United States are not permitted to participate. By the act of Congress of 7th January, 1824, all discriminating duties in the United States were again suspended, so far as related to the vessels and produce of the Netherlands so long as the reciprocal exemption should be extended to the vessels and produce of the United States in the Netherlands. But the same act provides that, in the event of a restoration of discriminating duties, to operate against the shipping and commerce of the United States, in any of the foreign countries referred to therein, the suspension of discriminating duties in favor of the navigation of such foreign country should cease, and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States, should revive, and be in full force with regard to that nation.

In the correspondence with the Government of the Netherlands upon this subject, they have contended that the favor shown to their own shipping by this bounty upon their tonnage, is not to be considered as a discriminating duty. But it cannot be denied that it produces all the same effects. Had the mutual abolition been stipulated by treaty, such a bounty upon the national vessels could scarcely have been granted consistently with good faith. Yet, as the act of Congress of 7th January, 1824, has not expressly authorized the Executive authority to determine what shall be considered as a revival of discriminating duties by a foreign Government to the disadvantage of the United States, and as the retaliatory measure on our part, however just and necessary, may tend rather to that conflict of legislation which we deprecate, than to that concert to which we invite all commercial nations, as most conducive to their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the Legislature to decide what measure the emergency may require, than abruptly, by proclamation, to carry into effect the minatory provisions of the act of 1824.

During the last session of Congress, Treaties of Amity, Navigation, and Commerce, were negotiated and signed at this place, with the Government of Denmark, (in Europe,) and with the Federation of

Central America, (in this hemisphere.) These Treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified, on the part of the United States, and, during the recess of Congress, have been also ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress. These Treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent: Each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated, that the parties shall hereafter grant no favor of navigation or commerce to any other nation, which shall not, upon the same terms, be granted to each other; and that neither party will impose upon articles of merchandise, the produce or manufacture of the other, any other or higher duties than upon the like articles, being the produce or manufacture of any other country. To these principles there is, in the Convention with Denmark, an exception, with regard to the Colonies of that Kingdom in the Arctic Seas, but none with regard to her Colonies in the West Indies.

In the course of the last Summer, the term to which our last Commercial Treaty with Sweden was limited, has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden, that, pending the negotiation of renewal, the expired Treaty should be mutually considered as still in force; a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and in general all the European Powers, between whom and the United States relations of friendly intercourse have existed, their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the Colonial Possessions of Great Britain, in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two Governments; and on the part of the United States have been invariably pursued in the spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the Conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the Government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But, with regard to the commercial intercourse between the United States and the British Colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position, and the respective products of nature cultivated by human industry, had constituted the elements of a commercial intercourse between the United States and British

America, insular and continental, important to the inhabitants of both countries. But, it had been interdicted by Great Britan, upon a principle heretofore practised upon by the colonizing nations of Europe, of holding the trade of their colonies, each in exclusive monopoly to herself. After the termination of the late war, this interdiction had been revived, and the British Government declined including this portion of our intercourse with her possessions in the negotiation of the Convention of 1815. The trade was then carried on exclusively in British vessels, till the act of Congress concerning navigation, of 1818, and the supplemental act of 1820, met the interdict by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defence, were soon succeeded by an Act of Parliament, opening certain colonial ports to the vessels of the United States, coming directly from them, and to the importation from them of certain articles of our produce, burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the Colonies, upon terms as exactly corresponding with those of the Act of Parliament, as, in the relative position of the parties, could be made. And a negotiation was commenced by mutual consent, with the hope, on our part, that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the two countries, between whom it must be carried on, would ultimately bring the parties to a compromise, with which both might be satisfied. With this view, the Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with Foreign Powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves, rather than to forego the benefit of a final and permanent adjustment of this interest, to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending, and to be speedily resumed. In the mean time, another Act of Parliament, so doubtful and ambiguous in its import as to have been misunderstood by the officers in the colonies who were to carry it into execution, opens again certain colonial ports, upon new conditions and terms, with a threat to close them against any nation which may not accept those terms, as prescribed by the British Government. This act, passed in July, 1825, not communicated to the Government of the United States, not understood by the British officers of the Customs in the Colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress, at their last session. With the knowledge that a negotiation upon the subject had long been in progress, and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation, rather than to subscribe implicitly to terms the import of which was not clear, and which the British authorities themselves, in this hemisphere, were not prepared to explain.

Immediately after the close of the last Session of Congress, one of our most distinguished citizens was despatched as Envoy Extraordinary and Minister Plenipotentiary to Great Britain, furnished with

instructions which we could not doubt would lead to a conclusion of this long-controverted interest, upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an Order of the British Council, excluding, from and after the first of December now current, the vessels of the United States from all the Colonial British ports, excepting those immediately bordering upon our Territories. In answer to his expostulations upon a measure thus unexpected, he is informed that, according to the ancient maxims of policy of European nations having colonies, their trade is an exclusive possession of the mother country. That all participation in it by other nations is a boon or favor, not forming a subject of negotiation, but to be regulated by the Legislative Acts of the Power owning the colony. That the British Government, therefore, declines negotiating concerning it; and that, as the United States did not forthwith accept purely and simply the terms offered by the Act of Parliament, of July, 1825, Great Britain would not now admit the vessels of the United States, even upon the terms on which she has opened them to the navigation of other nations. We have been accustomed to consider the trade which we have enjoyed with the British Colonies, rather as an interchange of mutual benefits, than as a mere favor received; that, under every circumstance, we have given an ample equivalent. We have seen every other nation, holding Colonies, negotiate with other nations, and grant them, freely, admission to the Colonies by Treaty; and, so far are the other colonizing nations of Europe now from refusing to negotiate for trade with their Colonies, that we ourselves have secured access to the Colonies of more than one of them by Treaty. The refusal, however, of Great Britain to negotiate, leaves to the United States no other alternative than that of regulating, or interdicting altogether, the trade on their part, according as either measure may affect the interests of our own country; and, with that exclusive object, I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our Northeastern and Northwestern boundaries are still unadjusted. The Commissioners under the 7th article of the Treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence of both parties. The Commission for liquidating the claims for indemnity for slaves carried away after the close of the war, has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which, we flatter ourselves, may yet prove satisfactory. Our own dispositions and purposes towards Great Britain are all friendly and conciliatory; nor can we abandon, but with strong reluctance, the belief that they will, ultimately, meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this hemisphere, we continue to maintain an intercourse altogether friendly, and between their nations

and ours that commercial interchange, of which mutual benefit is the source, and mutual comfort and harmony the result, is in a continual state of improvement. The war between Spain and them, since the total expulsion of the Spanish military force from their continental territories, has been little more than nominal; and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The Congress of Ministers, from several of those nations which assembled at Panama, after a short session there, adjourned to meet again, at a more favorable season, in the neighborhood of Mexico. The decease of one of our Ministers on his way to the Isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the Congress. There is, however, no reason to believe that any of the transactions of the Congress were of a nature to affect injuriously the interests of the United States, or to require the interposition of our Ministers, had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the Congress. The surviving member of the Mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A Treaty of Amity, Navigation, and Commerce, has, in the course of the last Summer, been concluded by our Minister Plenipotentiary at Mexico, with the United States of that Confederacy, which will also be laid before the Senate, for their advice with regard to its ratification.

In adverting to the present condition of our fiscal concerns, and to the prospects of our Revenue, the first remark that calls our attention, is, that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain, has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the Treasury at home. The nett revenue of the present year will not equal that of the last. And the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive, that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimates from the Treasury, has not interrupted the application of more than eleven millions during the present year, to the discharge of the principal and interest of the debt, nor the reduction of upwards of seven millions of the capital of the debt itself. The balance in the Treasury on the 1st of January last, was five millions two hundred and one thousand six hundred and fifty dollars and forty-three cents. The receipts from that time to the 30th of September last, were nineteen millions five hundred and

eighty-five thousand nine hundred and thirty-two dollars and fifty cents. The receipts of the current quarter, estimated at six millions of dollars, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year. The expenditures for the three first quarters of the year have amounted to eighteen millions seven hundred and fourteen thousand two hundred and twenty-six dollars and sixty-six cents. The expenditures of the current quarter are expected, including the two millions of the principal of the debt to be paid, to balance the receipts. So that the expenses of the year, amounting to upwards of a million less than its income, will leave a proportionally increased balance in the Treasury on the first of January, 1827, over that of the first of January last. Instead of five millions two hundred thousand, there will be six millions four hundred thousand dollars.

The amount of duties secured on merchandise imported from the commencement of the year till the 30th of September, is estimated at twenty-one millions two hundred and fifty thousand dollars, and the amount that will probably accrue during the present quarter, is estimated at four millions two hundred and fifty thousand, making for the whole year twenty-five millions and a half, from which the drawbacks being deducted, will leave a clear revenue from the customs, receivable in the year 1827, of about twenty millions four hundred thousand dollars, which, with the sums to be received from the proceeds of Public Lands, the Bank Dividends, and other incidental receipts, will form an aggregate of about twenty-three millions—a sum falling short of the whole expenses of the present year, little more than the portion of those expenditures applied to the discharge of the public debt, beyond the annual appropriation of ten millions, by the act of 3d March, 1817. At the passage of that act, the public debt amounted to one hundred and twenty-three millions and a half. On the first of January next, it will be short of seventy-four millions. In the lapse of these ten years, fifty millions of public debt, with the annual charge of upwards of three millions of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation of ten millions, seven were absorbed in the payment of interest, and not more than three millions went to reduce the capital of the debt. Of the same ten millions, at this time scarcely four are applicable to the interest, and upwards of six are effective in melting down the capital. Yet our experience has proved that a revenue, consisting so largely of imposts and tonnage, ebbs and flows to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years, the receipts of the Treasury were not adequate to the expenditures of the year; and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers, until they have again begun to feel the vicissitude of a decline. To produce these alternations of fulness and exhaustion, the relative operation of abundant or unfruitful seasons, the regulations of foreign Governments, political revolutions the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously

combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1828 to the commencement of the present year. Still, we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients, for pursuing, with steady and inflexible perseverance, the total discharge of the debt.

Besides the seven millions of the loans of 1813, which will have been discharged in the course of the present year, there are nine millions, which, by the terms of the contracts, would have been, and are now, redeemable. Thirteen millions more of the loan of 1814 will become redeemable from and after the expiration of the present month; and nine other millions from and after the close of the ensuing year. They constitute a mass of thirty-one millions of dollars, all bearing an interest of six per cent., more than twenty millions of which will be immediately redeemable, and the rest within a little more than a year. Leaving of this amount fifteen millions to continue at the interest of six per cent. but to be paid off, as far as shall be found practicable, in the years 1827 and 1828, there is scarcely a doubt, that the remaining sixteen millions might, within a few months, be discharged by a loan at not exceeding five per cent. redeemable in the years 1829 and 1830. By this operation, a sum of nearly half a million of dollars may be saved to the nation; and the discharge of the whole thirty-one millions within the four years, may be greatly facilitated. if not wholly accomplished.

By an act of Congress of 3d March, 1825, a loan, for the purpose now referred to, or a subscription to stock, was authorized, at an interest not exceeding four and a half per cent. But, at that time, so large a portion of the floating capital of the country was absorbed in commercial speculations, and so little was left for investment in the stocks, that the measure was but partially successful. At the last Session of Congress, the condition of the funds was still unpropitious to the measure; but the change so soon afterwards occurred, that, had the authority existed to redeem the nine millions now redeemable by an exchange of stocks, or a loan at five per cent., it is morally certain that it might have been effected, and with it a yearly saving of ninety thousand dollars.

With regard to the collection of the Revenue of Imposts, certain occurrences have, within the last year. been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session, and may hereafter require further consideration. Until within a very few years, the execution of the laws for raising the revenue, like that of all our other laws, has been ensured more by the moral sense of the community. than by the rigors of a jealous precaution, or by penal sanctions. Confiding in the exemplary punctuality and unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the Collection Laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual; and indulgences had been extended unaver-

sally, because they had never been abused. It may be worthy of your serious consideration whether some further legislative provision may not be necessary to come in aid of this state of unguarded security.

From the reports herewith communicated of the Secretaries of War and of the Navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our Military establishment on the land and on the sea. The organization of the Army having undergone no change since its reduction to the present Peace Establishment in 1821, it remains only to observe, that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late President of the United States and the Senate, with regard to the construction of the act of Congress of 2d March 1821, to reduce and fix the Military Peace Establishment of the United States, it remains hitherto so far without execution, that no Colonel has been appointed to command one of the Regiments of Artillery. A supplementary or explanatory act of the Legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace, the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the returns from the subordinate departments of the Army, that every branch of the service is marked with order, regularity, and discipline. That, from the Commanding General through all the gradations of superintendence, the officers feel themselves to have been citizens before they were soldiers, and that the glory of a Republican Army must consist in the spirit of freedom by which it is animated, and of patriotism by which it is impelled. It may be confidently stated that the moral character of the Army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having indeed relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace: The erection of the fortifications provided for by Congress and adapted to secure our shores from hostile invasion: The distribution of the fund of public gratitude and justice to the pensioners of the Revolutionary war: The maintenance of our relations of peace and of protection with the Indian Tribes: And the internal improvements and surveys for the location of Roads and Canals, which, during the last three sessions of Congress, have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of thirty thousand dollars was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates, of the routes of such roads and canals as the President of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail—the surveys, plans, and estimates, for each, when completed, to be laid before Congress.

In execution of this act, a Board of Engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order of the late President, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates in detail of the expense of execution.

On the 3d of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared that, having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the Board of Engineers were enabled to make up their second report, containing a general plan, and preparatory estimates for the work, the Committee of the House of Representatives upon Roads and Canals closed the session with a report, expressing the hope that the plan and estimate of the Board of Engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress, at their present session. That expected report of the Board of Engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress, authorizing the Secretary of War to have prepared a complete system of Cavalry Tactics, and a system of Exercise and Instruction of Field Artillery for the use of the Militia of the United States, to be reported to Congress at the present session, a Board of distinguished Officers of the Army and of the Militia has been convened, whose report will be submitted to you, with that of the Secretary of War. The occasion was thought favorable for consulting the same Board, aided by the results of a correspondence with the Governors of the several States and Territories, and other citizens of intelligence and experience, upon the acknowledged defective condition of our Militia system, and of the improvements of which it is susceptible. The report of the Board upon this subject is also submitted for your consideration.

In the estimates of appropriations for the ensuing year, upwards of five millions of dollars will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the support and maintenance of the Army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age; and a more than equal sum, invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race, unable alike to share in the enjoyments, and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the Treasury, are generally not without their equivalents, in profitable value; or serve to discharge the Union from engagements more burdensome than debt.

In like manner, the estimate of appropriations for the Navy Department will present an aggregate sum of upwards of three millions

of dollars. About one-half of these, however, cover the current expenditures of the Navy in actual service, and one-half constitutes a fund of national property, the pledge of our future glory and defence. It was scarcely one short year after the close of the late war, and when the burthen of its expenses and charges was weighing heaviest upon the country, that Congress, by the act of 29th April, 1816, appropriated one million of dollars annually, for eight years, to the *gradual increase of the Navy*. At a subsequent period, this annual appropriation was reduced to half a million for six years, of which the present year is the last. A yet more recent appropriation the last two years for building ten Sloops of War, has nearly restored the original appropriation of 1816, of a million for every year. The result is before us all. We have twelve line-of-battle Ships, twenty Frigates, and Sloops of War in proportion; which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast, ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war, and has left us at once an example and a lesson, from which our own duties may be inferred. The gradual increase of the Navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of ages. It was a declaration of that Congress to their constituents and to posterity, that it was the destiny and the duty of these Confederated States to become, in regular process of time, and by no petty advances, a great Naval Power. That which they proposed to accomplish in eight years, is rather to be considered as the measure of their means, than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose; and they left to their successors to fill up the canvass of which they had traced the large and prophetic outline. The ships of the line, and frigates, which they had in contemplation, will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration, how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age, in the gradual increase of our Navy. There is, perhaps, no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the People of the Union, than this. The system has not been thus vigorously introduced, and hitherto sustained, to be now departed from, or abandoned. In continuing to provide for the gradual increase of the Navy, it may not be necessary or expedient to add for the present any more to the number of our ships; but, should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended, in providing a supply of timber to be seasoned, and other materials for future use; in the construction of docks, or in laying the foundations of a School for Naval Education, as to the wisdom of Congress either of those measures may appear to claim the preference.

19th CONGRESS, 2d SESSION. [Doc. No. 2.] EXECUTIVE.

DOCUMENTS

ACCOMPANYING THE

PRESIDENT'S MESSAGE TO CONGRESS,

AT THE

COMMENCEMENT OF THE SECOND SESSION

OF THE

NINETEENTH CONGRESS.

DECEMBER 5, 1826.

Read, and committed to a Committee of the Whole House on the state of the Union.

WASHINGTON:

PRINTED BY GALES & SEATON.

1826.

DOCUMENTS

FROM THE

DEPARTMENT OF STATE

RELATIVE TO

COLONIAL TRADE.

LIST OF PAPERS.

Mr. S. Canning to Mr. Adams,	25th Oct. 1822.
Mr. Adams to Mr. S. Canning,	11th Nov.
Mr. S. Canning to Mr. Adams,	18th do.
Same to same,	4th Dec.
(*a*) Letter from Barbadoes, (extract)	21st Sept.
(*b*) Statement of British Brig Ceres,	
(*c*) Statement of American Schooner Industry,	
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(*a*) British Consul to Mr. Canning,	17th do
(*b*) Collector of Kingston to British Consul,	21st Oct.
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(*a*) Collector of Halifax,	9th Dec. 1822.
(*b*) Governor of St. Christopher's, (extract)	
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Mr. Adams to Mr. S. Canning,	15th Jan. 1823.
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Memorandum communicated,	17th Feb.
Mr. Adams to Mr. Rush,	23d June, extracts.
(*a*) Mr. S. Canning to Mr. Adams,	27th March,
(*b*) Mr. Adams to Mr. S. Canning,	8th April,
(*c*) Mr. Canning to Mr. Adams,	10th do.
(*d*) Same to same	17th May,
(*e*) Mr. Adams to Mr. Canning,	24th do.
Same to same,	26th June,

Mr. Rush to Mr. Adams, (No. 10), extracts,		12th August, 1824.
(a) Protocol of 3d conference		
(b)	16th with paper L.	
(c)	25th	
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Mr. King to Mr. Clay, (extracts)		
Mr. Addington to Adams,		7th Sept. 1823.
Mr. Adams to Mr. Addington,		11th Nov.
Mr. Clay to Mr. Gallatin, (extracts)		19th June, 1826.
Mr. Gallatin to Mr. Canning,		26th August,
Mr. Canning to Mr. Gallatin,		11th Sept.
Mr. Gallatin to Mr. Clay, (extract)		22d do.
(a) Mr. Gallatin to Mr. Canning,		
Mr. Vaughan to Mr. Clay,		28th do.
Mr. Clay to Mr. Vaughan		11th Oct.
Same to same		19th do.
Mr. Vaughan to Mr. Clay,		20th do.
Mr. Clay to Mr. Gallatin		11th Nov.

Mr. Stratford Canning to Mr. Adams.

WASHINGTON, *October* 25, 1822.

SIR: A letter addressed by the Comptroller of the United States' Treasury to the collectors and other officers of the customs, for the purpose, in part, of explaining under what modifications the President's proclamation, by which the ports of the United States have been declared open to British vessels arriving from his Majesty's colonies in North America and the West Indies, is to be understood as going into operation, has lately been pressed upon my notice by several of his Majesty's consuls. The letter in question is dated the 14th of last month, and has since been printed in the public journals. On examining its contents I have found that it describes British vessels, entering the harbors of the United States, in virtue of the above mentioned proclamation, as liable to a duty of one dollar per ton, for tonnage and light money, and their cargoes as liable to the discriminating duty of ten per cent., which is levied on goods imported in foreign vessels not privileged by treaty. I have also observed, that according to the tenor of the Comptroller's letter, the vessels of either country, trading between the ports of the United States and such of his Majesty's colonies as the President's proclamation enumerates, are restricted, when coming from the West Indies, to the importation of articles the growth, produce, or manufacture, of the West Indian colonies, and to the importation of articles, the growth, produce, and manufacture, of the North American colonies, in the case of such vessels having cleared out from any of the specified ports in that quarter. This restriction, and the extraordinary duties imposed upon British vessels and their cargoes, in pursuance of the Comptroller's letter, appear to my understanding so much at variance with the spirit and intention of the act of Parliament by which the newly opened trade is regulated, and to answer indeed so imperfectly to the leading principle set forth in the act of Congress, on which the President's proclamation is grounded, that I esteem it an indispensable duty to anticipate the special instructions of my Government by soliciting your immediate attention to the subject.

In the act of Parliament, passed during the late session, entitled "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies," it is expressly declared, as the intention and meaning of the act, that the privileges thereby granted to foreign ships and vessels shall be confined to the ships and vessels of such countries only as give *the like* privileges to British ships and vessels in their ports in America and the West Indies. It is essential, therefore, as far as this country is concerned, to ascertain, in the outset, that British ship owners are able, under the existing regulations, to engage

in the new trade, on a footing of fair competition with the American: and I think it will be no less evident to you, sir, than it is to me, that such can hardly be the case so long as British shipping is rendered liable to a tonnage duty higher, by 94 cents the ton, than that exacted from American vessels, and while the merchandise imported into the former is subject to a discriminating duty of ten per cent.

Any difference in the charges imposed in the ports of the United States on the vessels of the two countries, navigating, in other respects, under similar circumstances, must necesssarily give an undue advantage to the favored party. The difference, in the present instance, if not counterbalanced by similar discriminating duties in the colonial ports, would probably have the effect of excluding British vessels from all participation in this branch of commerce. If colonial duties, of a similar nature, operating to the disadvantage of American shipping, be already either in existence, or in immediate contemplation, no such fact, and no such intention can, at least, be inferred from the provisions of the act of Parliament at present in force. The general tenor of the act may be regarded, on the contrary, as warranting a very different conclusion; and the eleventh and twelfth enactments, in particular, appear to have been framed with the view of securing to foreigners a fair and liberal participation in the British colonial trade, as far as it has been deemed advisable to open it. Such, indeed, is the care with which this object has, to all appearance, been provided for, that the condition of reciprocity, to which I have already adverted, and the power entrusted to the King in Council, of withdrawing the privileges offered by the act of Parliament, from countries not giving the like privileges, in return to British vessels, would seem to have become indispensable, as strict matter of justice, for the due protection of British navigation.

It is difficult to suppose that there can be any want of inclination on the part of the American Government to avail itself of the opening afforded by the above-mentioned act of Parliament. To whatever degree the regulations specified in the Treasury circular may have the effect of embarrassing or interrupting the intercourse between this country and his Majesty's colonies in the West Indies and North America, the terms of the act of Congress eventually authorizing the President to open the ports of the United States to British vessels coming from those colonies, bear evidence that the American Legislature, in passing the act of last Session, had no restrictions in view but such as should appear to have a *specific* counterpart in the enactments of the British Parliament.

With respect to the other regulation, by which the vessels of either country, engaged in trading between the ports of the United States and his Majesty's colonies in North America and the West Indies, are restricted to the importation of articles, the growth, produce, or manufacture, of the particular description of colonies from which, in each voyage, they have cleared out, the Comptroller represents in his letter as being meant to correspond to the following provision, contained in the third section of the act of Parliament, namely, that no

articles, enumerated in the schedule, shall be imported in any foreign ship or vessel, unless shipped and brought directly from the country or place of which they are the growth, produce, or manufacture.

Whatever may have been the intention with which this regulation was framed, it is evidently a mistake to describe it as corresponding to the above mentioned clause in the British act of Parliament. The fact is, that the range of the American restriction is beyond comparison more extensive than that of the British.

A few words will suffice to verify this assertion.

To open a commercial intercourse between the United States and certain of his Majesty's colonies in North America and the West Indies, is an object common to the act of Congress, to the act of Parliament, and to the President's proclamation. The act of Parliament, in providing, with respect to this country, that the vessels of the United States should be allowed to import into the said colonies no articles but what are "brought directly from the country or place of which they are the growth, produce, or manufacture," establishes no distinction whatever between one part of the United States and another. A vessel, for example, belonging to Boston, and clearing out for the colonies from that harbor, would be permitted, I conceive, under the provisions of the act, to import the tobacco of Virginia and the cotton of Louisiana, no less than any other of the enumerated articles which happen to be the produce or manufacture of that immediate neighborhood. The American regulation, on the contrary, will not allow a British vessel, clearing out from Halifax, for instance, or from St. John's, though otherwise duly qualified, to import into the United States the produce or manufacture of the West Indies, nor will it admit of Canadian and other North American produce being imported in a British vessel when coming from a port of the West Indies, creating, thereby, a distinction which affects, exclusively, his Majesty's colonies, constituting, as they do, in this instance, one of the two parties reciprocally concerned, and which, as a countervailing measure, has no real foundation in any provision of the act of Parliament.

The view which I have taken of this restriction is wholly independent of the practical inconvenience, if any, with which its operation may be attended. It is sufficient, for the present, to shew that, in order to entitle it to the character of a corresponding regulation, the act of Parliament to which the Comptroller's letter refers, should be proved to contain a provision establishing between the productions of the Northern and Southern parts of the United States, when imported into his Majesty's colonies, a similar distinction to that which the regulation contains with reference to the productions of those colonies.

The preceding remarks are presented to your consideration, sir, under a persuasion derived from the public acts to which they refer, that the American Government will, itself, be anxious to lose no time in relieving the newly opened trade from any charge or restriction originating within its authority, which is found not to answer in strict reciprocity to any existing enactment or regulation on the side of Great Britain.

I beg, sir, that you will accept the assurances of perfect consideration, with which I have the honor to be, sir, your most obedient humble servant,

STRATFORD CANNING.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,
Washington, November 11, 1822.

SIR: Your letter of the 25th ult. having been laid before the President of the United States, I am directed to assure you of the disposition of this Government to co-operate with that of Great Britain in every measure necessary for opening the commercial intercourse between the United States and the British colonies in America, upon principles of liberal reciprocity.

This policy was manifested in the act of Congress passed at their last session, authorizing the President, by anticipation, to open the ports of the United States to British vessels from the ports of the British colonies in the West Indies, which might, in the interval before the next session of Congress, be opened to the vessels of the United States.

It was equally manifested by the Executive Government, when immediately after receiving advice of the act of Parliament of the 24th of June last, "to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies," the proclamation was issued on the 24th of August, wherein, by a liberal construction of the act of Congress of the 6th of May, the ports of the United States were opened to British vessels, coming from any of the ports of the British Colonies in America, which, by the act of Parliament, were opened to the vessels of the United States.

But the authority of the President was limited by the act of Congress of the 6th of May last, to the opening of the ports of the United States to British vessels, employed in the trade and intercourse between the United States and the British Islands or Colonies, opened by the act of Parliament to the vessels of the United States, subject to such reciprocal rules and restrictions, as the President might, by his proclamation, make and publish, "any thing in the laws, entitled an act concerning navigation, or an act, entitled an act supplementary to an act concerning navigation, to the contrary notwithstanding."

The act of Congress does not authorize the President to extend to British vessels, coming from the British ports in America, the privileges enjoyed by British vessels from the European British ports, by virtue of the convention of 3d July, 1815, nor to remit duties levied

upon British and all other foreign vessels, not especially privileged by treaty, or by mutual privilege sanctioned by law: nor to repeal any discrimination prescribed by other acts of Congress, than the two navigation acts, above specified. The tonnage duty of one dollar, and the additional ten per cent. upon the duties levied on importations in foreign unprivileged vessels, are prescribed by other acts of Congress, and altogether independent of any restrictions, which had been imposed on the commercial intercourse between the United States and the British Colonies in America. They can be revoked only by the same authority, by which they were enacted.

The act of Parliament does not extend to vessels of the United States, admitted by it into the Colonial ports, the privileges secured to the same vessels entering the British ports in Europe, by virtue of the Convention of 3d July, 1815. It does not admit the vessels of the United States into the Colonial ports, on the same terms, as they are admitted into the European ports. It admits them only on a footing of *exceptions*, to a general system of exclusion, and under circumstances of strong and marked discrimination, to the advantage of British vessels, with which they must encounter competition in the same intercourse. Their admission is only to certain enumerated ports. They are permitted to introduce only certain enumerated articles, from which are excluded the most essential articles of the produce of the United States, and most needed in the Colonial ports. They are admitted only to a direct trade, both from the United States to the enumerated ports, and from the enumerated ports to the United States. They are subjected to the payment, without credit, and before *admission*, of duties, in many cases almost equivalent to prohibition; and to a very heavy *export* duty, in addition to the duties prescribed by the act of Parliament. Nor does it appear that, with regard to the important article of port charges, they can claim admission upon the same footing of British vessels. To counteract these disadvantages, under which they must submit to enter in competition with British vessels employed in the same navigation, the regulations prescribed in the proclamation, and the additional tonnage and other discriminating duties provided by the laws of the United States, are surely not more than sufficient. Nor can the United States, in imposing discriminations, the *effect* of which will be to restore to their own vessels *that equal advantage of competition* of which they would be deprived by discriminations operating against them, be confined to the mere *specific* counterparts of restrictions instituted by the other party to the commerce. Had they been so confined, they might have designated a specific list of articles to be admitted from all the British colonies; and, besides subjecting them to duties nearly prohibitory, might have excluded the article of rum, for example, from the list.

The colonies of Great Britain in the West India Islands, are, in respect to every object of commerce and navigation, as distinct from those in North America, as any two nations are from each other. Separated by an ocean, and having scarcely a single article of commercial interchange in common, the productions of neither can, in

the natural course of trade, be objects of export from the other. Instead, therefore, of excluding from admission all the articles of the produce of both, with the exception of a small enumerated list, the proclamation has authorized the general admission of all the articles from either, of its own natural growth or produce, excluding only the admission from either, of those articles, which it never could export but in consequence of their having been before imported to it from abroad.

On the first perusal of the act of Parliament for opening the colonial ports, it was perceived that, to the satisfactory accomplishment of the objects interesting to the commercial intercourse between the United States and the British colonies in America, which it was believed to be the intention of its enactment to promote, a further free communication and understanding between the two Governments would be necessary. The Proclamation was forthwith issued, commensurate with the authority given to the President by the act of Congress, understood in the most enlarged import of the words in which it was given; and, by an immediate instruction to the Minister of the United States at London, he was empowered to make known to your Government, as well the disposition of this country to meet with fair and equal reciprocity, this and every overture on the part of Great Britain, for opening the commercial intercourse between the United States and the British colonies in this hemisphere, as the conviction of this Government that further measures on both sides would be indispensable to obtain that result in a manner satisfactory to both. That they may be adopted in concert, either by further legislation, or by convention, is referred to the consideration and submitted to the option of your Government.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Canning to Mr. Adams.

WASHINGTON, *November* 18*th*, 1822.

SIR: In answer to the disposition which you express in your letter of the 11th instant, to co-operate on the part of your Government in every measure necessary for opening the commercial intercourse between the British Colonies in America and the ports of the United States, on principles of liberal reciprocity, I can only assure you of my readiness to transmit your communication to his Majesty's Ministers.

The American Envoy in London, whom you describe as having been empowered some weeks ago to make a declaration of similar purport, has doubtless by this time apprized the British Government of the views entertained by his Cabinet. He will probably be enabled to satisfy you that the British Legislature, in adopting the measures

already in force for opening the Colonial trade, has carried its liberality to an extent which can only be justified by the persuasion that every one of those measures will be met by foreign Governments with a prompt and complete return. As the representations which I thought it my duty to address to you on the 25th ultimo, were grounded upon the very principle which you acknowledge, I learn with regret that the President has not been invested by Congress with power to remove the discriminating duties by an immediate exercise of his discretion.

You will remember, sir, that the object of my former letter was to point out the serious and unexpected disparity subsisting between the provisions of the new act of Parliament, and the regulations enforced by the Treasury Circular of September the 14th. I thought myself warranted in supposing that it was naturally the wish and intention, no less than the interest of the United States, to abstain from originating any discrimination in the charges imposed upon the vessels of the respective countries. A desire to extend the principle of reciprocity to all possible cases, can hardly preclude the application of that principle to those which already exist. But what is the situation of the two parties at this moment? A British vessel entering a port of the United States from one of the enumerated Colonies, is subject to a heavy discriminating duty on its tonnage, and to another on its cargo, from both which charges the American trade is free. No such inequality appears to exist on the other side. There is reason, on the contrary, to believe that, in his Majesty's Colonies, the vessels of both nations, trading under the new act of Parliament, are at present subject only to the same duties. I have already shown that the necessary consequence of this state of things, is to give the American trader a most undue and preponderating advantage over his British competitor. It might, in fact, be proved to conviction, by a short and obvious calculation, that a continuance of the present system must soon exclude the shipping of Great Britain from all participation in this trade.

You will allow me, sir, to observe that the question here at issue does, by no means, involve a comparison between the terms on which the vessels of the United States are received into his Majesty's European Ports, and those on which they are permitted to trade with the enumerated Colonies. The Colonial commerce stands, as it has always stood, on separate grounds. The very terms of the commercial treaty, to which you have adverted, establish this fact. By the late act of Parliament, a direct trade has been declared open, on condition of reciprocity, between certain of his Majesty's Colonial ports, and the neighboring Islands and countries, of which the United States are one. Within the limits of the trade thus opened, it is that the privileges, of which a return in like privileges is the declared condition, must naturally be sought. So long, therefore, as it appears that the vessels of the two countries, engaged in this direct trade, are admitted on payment of equal charges into the Colonial ports, it is surely not a strange or intemperate pretension to expect that they should also be admitted on the same equal terms into the harbors of the United States. The charges and restrictions of a detailed nature, which you represent

as disadvantageous to the American trade, however inconvenient they may prove in themselves, can never be admitted as proper subjects of complaint, while the other parties, native as well as foreign, to the same branch of commercial intercourse, are equally subject to their operation.

With respect to the limitation on imported articles, the form of which limitation, whether the articles admitted or the articles prohibited be mentioned by name, is sufficiently immaterial, it will be found that the 17th and 18th sections of the act of Parliament provide with care for a perfect equality of competition. It is expressly enacted in those sections, that British built vessels are subject, in common with foreign vessels, to the restrictions affecting the articles imported, as well as the number of places at which the importation of them is permitted. As countervailing measures, the efficacy of the discriminating duties may surely be questioned, since the very exaction of them by one party must necessarily imply the right of imposing them by the other.

I cannot dismiss this subject without noticing the reasons which you have given in support of the distinction taken in the proclamation of August the 24th, between his Majesty's West Indian Colonies and those which are situated in North America. Their separation by sea, and the different nature of their productions, are stated as circumstances entitling them to be viewed, commercially, as distinct and unconnected nations. Whatever may be the merits of this doctrine, in its bearing on commercial law, it cannot be true with regard to the two discriminated portions of his Majesty's colonies, without being equally applicable to the Northern and Southern divisions of this extensive country. The productions of New England are quite as distinct from the staple exports of Louisiana and Georgia, as the productions of Canada can possibly be from those of Jamaica. That the several territories should, in the one instance, be divided by the ocean, and, in the other, by a vast continental region, is a difference of little weight in the eye of commerce. You need not be told, sir, that the sea is, unquestionably, the most rapid conductor of commercial intercourse. With the aid of nautical science, it serves to approximate nations, and brings the most remote into a sort of neighborhood with each other. Hence it was, that, observing the act of Parliament to contain no restriction affecting the importation of the enumerated articles from one part more than from any other of the United States, I thought myself bound to point out the utter inapplicability of the term "corresponding" to the restrictive regulation announced in that character by the American Government. I venture to repeat, that this restriction has no counterpart in the act of Parliament. The limitation on the nature of imports, with which you confront it, is altogether of a different nature, and rests on principles generally acknowledged.

In further confirmation of the view which I have taken of this question, I may appeal to the official and recorded decisions of the Treasury. In a letter dated the 29th of September, 1817, and addressed by the head of that Department to the Collectors of the Customs, it is

expressly declared, that the word "country," as employed in the first section of the act concerning Navigation, is to be "considered as embracing all the possessions of a foreign State, however widely separated, which are subject to the same supreme executive and legislative authority."

I avail myself, with pleasure, of this opportunity to repeat to you, Sir, the assurance of my distinguished consideration.

STRATFORD CANNING.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Canning to Mr. Adams.

Mr. Stratford Canning presents his compliments to the Secretary of State, and, agreeably to his request, encloses copies of the two statements, relative to the charges levied on British and alien vessels in British West Indian ports, which he put into Mr. Adams's hands yesterday. He adds an extract of a letter from a commercial house at Barbadoes, concerning the same subject, which he had the honour of shewing to Mr. Adams some time ago.

WASHINGTON CITY, *December 4th*, 1822.

Extract of a letter from a respectable house in Barbadoes, dated September 25th, 1822.

"We are in a new era in the commerce of these islands, the act of Parliament to regulate the trade between His Majesty's possessions in America and the West Indies, and other places in America and the West Indies, reached us on the 11th of August; and we received three days ago, President Monroe's Proclamation founded thereon, of the 24th ultimo. How all this *will work* remains to be seen by-and-by. At present we can only tell you, that, by an order from the Commissioners of the Customs in London to the Customs here, which accompanied the act, foreign vessels are to be subject to the same fees exacted upon British vessels, and no higher. So that we may suppose that British vessels from these islands are to pay the same fees as American vessels in the United States, and that our vessels are to be no longer subject to the tonnage duty of one dollar per ton, and will pay six cents only, the same as American and British vessels from Europe; and, furthermore, that the produce of these Islands imported into the States in British bottoms, will also be relieved of the additional duties heretofore enacted in foreign bottoms. We look for information from you on all these points."

Truly extracted.

GILBERT ROBERTSON.

STATEMENT.

Owners of British Brig Ceres, of 251 tons, in account with Daly and Morton.

1822		£	s.	d.
Sept. 10.	To cash paid fees at entry - -	57	15	0
Oct. 5.	Do. at clearing (in ballast)	23	10	0
	Do. pilotage - -	9	0	0
	Currency -	90	5	0

The pound currency is equal to three dollars. At Baltimore this brig has had to pay a tonnage duty of $251, though entering only in ballast.

American schooner Industry, Capt. Stufro, 116 tons register, at Kingston, to Lucius Carey, Dr.

1822		£	s.	d.
Sept. 23.	To cash paid Collector of Custom House, entry - - -	4	17	6
	To cash paid Comptroller -	1	12	6
	Do. Surveyor - -	1	6	8
	Do. Waiter and Searcher	1	6	8
	Do. Naval officer -	3	15	0
	Do. Receiver General for Tonnage duties - - -	11	10	2
	To cash paid for Hospital - -	5	11	3
	Do. Secretary - -	1	16	8
	Do. Pilotage in and out -	6	0	0
Oct. 3.	Do. Collector of Custom House, clearance - -	8	1	8
	To cash paid Comptroller - -	2	13	9
	Do. Surveyor - -	1	6	8
	Do. Waiter and Searcher	1	6	8
	Do. Naval officer -	4	10	7½
	Do. Rec'r Gen. at £2 5s. } Do. Hospital 13s. 4d. }	2	18	4
	Do. Transient Tax Office	1	9	2
	Do. Clerk of the Peace -	1	2	6
	Do. Health Office -	1	0	0
	Do. Secretary - -	0	10	0
	Currency -	£62	15	9½

The pound currency is equal to three dollars.

Mr. Canning to Mr. Adams.

The undersigned presents his compliments to the Secretary of State, and requests his attention to the two accompanying papers, being copies, the one of a letter from His Majesty's Consul at Baltimore, the other of a letter addressed to that gentleman by the Collector of the Customs at Kingston, in Jamaica, both confirmatory of the fact, already communicated to the Government of the United States, with respect to the non-existence of any discrimination in the charges levied on British and alien vessels entering the Colonial ports of His Majesty, under the provisions of the act of Parliament, passed on the 24th of last June.

STRATFORD CANNING.

Washington, December 18*th*, 1822.

Mr. Crawford to Mr. Canning.

BRITISH CONSULATE,

Baltimore, December 17*th*, 1822.

SIR: I have the honor to transmit for your information, a letter just received from the Collector of the Port of Kingston, Jamaica, by which it will be found that no higher duties or port charges are payable on American vessels and their cargoes in that Island, than are levied on those of Great Britain.

The American schooner "Rising Sun" has just arrived here from Barbadoes, the Captain of which vessel states that he was informed by the Collector of the Port, that the same duties, &c. were payable alike on British as American vessels and cargoes.

I have the honor to be, &c. &c. &c.

JOHN CRAWFORD.

The Right Honorable
STRATFORD CANNING.

Mr. Macdowall to Mr. Crawford.

KINGSTON, *Jamaica*, 21*st October*, 1822.

SIR: I am honored in receipt of your esteemed favor of 6th ultimo, and I lose not a moment in answering your several queries, which are of the greatest importance to the mercantile world.

I beg to state for your information, that at present no distinction is made in fees to officers, duties on tonnage, or other island dues (i. e. hospital and gunpowder dues,) between British vessels and those of the United States, coming from the same countries: pilotage and harbor master's charges are also the same on vessels of both nations.

Goods of the growth and production of the United States of America, which may be legally imported, are liable to, and pay the same duties, whether brought here in vessels of Great Britain, or those of the States.

For these reasons, I conceive it will only be an act of justice, that any duties charged on British ships arriving in the United States, and to which their own vessels are not subject, should be done away with.

I have the honor to be, &c.

H. MACDOWALL.

JOHN CRAWFORD, ESQ. *Baltimore.*

Mr. Canning to Mr. Adams.

WASHINGTON, *January* 13, 1823.

The undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, in communicating to the Secretary of State the enclosed papers, which he has recently received in further confirmation of the fact, already, as he conceives, established by sufficient evidence, that no discriminating duties are levied under His Majesty's authority on American vessels now trading between the United States and the British Colonies in North America and the West Indies, under the provisions of an act of Parliament, bearing date the 24th of June, 1822, is unable to conceal the impressions with which he observes so many weeks allowed to pass away without a removal of the like discriminating duties from the vessels of His Majesty's subjects, when entering the ports of the United States from the above mentioned colonies.

In the daily hope of receiving a satisfactory communication from the American Government, the undersigned has abstained for some time from pressing the Secretary of State, further than by transmitting to him such documents as he has occasionally received in corroboration of his previous statements. He now feels it his duty to express a distinct conviction, that the Government of the United States will see the propriety of enabling him, without further delay, to inform His Majesty's Ministers, and the Colonial authorities, definitively, whether the discriminating duties to which he refers, are to be withdrawn from British vessels trading with this country in pursuance of the President's proclamation of August the 14th, and under an expectation which can hardly be disappointed, without injustice, of being at once admitted to the fair and full operation of such acts of Congress, including that of March 3, 1815, as appear to have an immediate application to the case.

The undersigned has the honor to repeat to the Secretary of State. the assurance of his perfect consideration.

STRATFORD CANNING.

The Hon. JOHN QUINCY ADAMS,
Secretary of State, &c.

Copy of a letter from the Collector and Comptroller of His Majesty's Customs at Halifax, transmitted by his Majesty's Consul at Baltimore.

CUSTOM HOUSE, HALIFAX,

December 9, 1822.

SIR: We have the honor of informing you that we are not aware of any duties or fees authorized by act of Parliament being received on foreign vessels at this port, other than those directed to be enforced on vessels belonging to His Majesty's subjects.

We are, &c. &c. &c.

THOS. N. GETTEN, *Collector,*
J. WALLACE, *Comptroller.*

Extract from a letter from the Captain General and Governor of St. Christopher, Neirs, Anguilla, and the Virgin Islands, addressed to His Majesty's Consul General in the United States.

"You will perceive, on reference to the accompanying document, that the American vessels are admitted into these ports, paying the same duties as those to which British vessels are subject."

St. Christopher.

We, the acting Collector and Comptroller of His Majesty's Customs at the port of Basseterre, do hereby certify, that, agreeably to the act of 3 George IV. chap. 44, the same fees and duties are payable on British vessels and cargoes, as those paid on American vessels and their cargoes; and that the American vessels are placed on the same footing, in every respect, with British vessels, with regard to custom house expenses.

Given under our hands and seals of office, at the custom house, Basseterre, this twenty-second of November, one thousand eight hundred and twenty-two.

MW. L. BIGGER, *Act. Col.*
W. H. MALE, *Comptroller.*

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,

Washington, 15th January, 1823.

SIR: I have had the honor of receiving your note of the 13th instant, with its enclosures. Your note, and its enclosures, have been com-

municated to the committee of the Senate who have under consideration a bill for regulating the commercial intercourse between the United States and the ports in the British Colonies, opened to the shipping of foreign nations by the act of Parliament of the 24th of June last.

It has already been observed, in our preceding correspondence on this subject, that the repeal of the discriminating duties upon the tonnage of foreign vessels, and upon merchandise imported in them, is exclusively within the competency of the legislative power.

The act of Congress of 3d March, 1815, having been enacted exclusively with reference to the modification or mutual abolition of all discriminating or countervailing duties in the commerce between the United States and foreign *nations*, has no application to the limited and restricted intercourse which may, by mutual consent and regulation, be opened between the United States and particular ports in the *Colonies* of a foreign nation. The act contemplates a reciprocal abandonment of the discriminating or countervailing duties of *the nation*, and not the removal of interdictions to any direct commercial intercourse with colonies. The act of Parliament of 24th June last, abolishes no discriminating or countervailing duties, which existed in the British Colonies to the disadvantage of the United States; it partially opens certain ports to the admission, in foreign vessels, of certain articles, to which they had been previously closed. The precedent condition, therefore, upon which alone the President of the United States was authorized to act, by virtue of the act of Congress of 3d March, 1815, does not exist, nor are the provisions of that law applicable to the case.

It may be added, that even the principle of the law is not more applicable than its letter. Discriminating duties, *operating* to the disadvantage of the United States, still exist in the British Colonies now opened to their navigation. It is a discrimination, that the vessel of the United States, which has entered a colonial port from the United States, is compelled to return directly to them, and to pay a heavy export duty upon any cargo which she may take on the return voyage; while the British vessel, entering the same colonial port, also from the United States, has the world before her for her subsequent progress, and pays no export duty upon the cargo which she takes to any other British colonial port, or to Great Britain. The American vessel, therefore if entering the colonial port upon equal terms with the British, goes out of it charged with heavy duties, from which the British vessel is exempted. The discrimination is not the less effectual for being indirect.

I avail myself of this opportunity of stating, that numerous complaints have been, and continue to be, received at this Department, of the oppressive and ruinous effect of the construction given to the act of Parliament of 24th June last, in several of the British Colonies, in the case of citizens of the United States who have entered their ports under the provisions of that act. The concurring reports of most of the persons who have adventured upon shipments to those ports, confirm the anticipations entertained by this Government, from the first

appearance of the act of Parliament, that this intercourse can be definitively regulated to the satisfaction of both parties, only by concert between the two Governments. To the adoption of this concert, the Government of the United States is, as it has been, prepared to contribute, by a disposition of perfect reciprocity, and the most cordial good will.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Canning to Mr. Adams.

WASHINGTON, *January 25th*, 1823.

SIR: From your letter, dated the 18th instant, I learn that Congress alone is competent to the removal of those discriminating duties, to which, by several communications, including my note of the 13th, I have lately had the honor to call your attention, inasmuch as the act of March 3d, 1815, was intended to apply to the commercial intercourse of nations, and not to that of colonies. This declaration, little as it may answer to my own impressions, being accompanied with the information that a bill directly bearing on this subject is now under the consideration of a committee of the Senate, to which my representations with respect to the discriminating duties have been communicated, I address you, at this moment, for the sole purpose of noticing two or three points, as stated in your letter, which I think capable of being viewed in a different and more satisfactory light.

You observe, for instance, that no discriminating duties, which existed in the British Colonies to the disadvantage of the United States, are abolished by the act of Parliament, under which the trade is now open. Correct as this statement may be in point of fact, the inference to which it leads is not the less erroneous, except it can be shewn that enactments authorizing the eventual collection of such duties, were really in force at the time when the Colonial trade was open to foreigners. The silence of the new act is otherwise all that can be required for any practical purpose. The only essential point is the non-existence of the duties in question; and to the recognition of this reality, it was natural to expect that the American Government would be prepared to hold out every facility.

To prove that discriminating duties, operating to the prejudice of the United States, do actually exist in the British Colonies, you state that an American vessel, when clearing out on her return from a Colonial port, is subject to a heavy export duty on her cargo, from which the British vessel is exempt. Of any such export duty I have no knowledge, beyond what I derive from your letter; but, taking the fact for granted, I am persuaded that the duty, if levied at all, is equally levied on British and on alien vessels, employed in the direct

trade, and ought not, therefore, to be classed with duties imposed on a principle of discrimination. With regard to any indirect advantage which the British trader may possibly derive from the circumstance of his having a wider range for his export voyage, it is one, which, so long as any commercial restrictions whatever are maintained, must obviously belong to the native, whoever he may be, in the harbors of his own country. The foreigner, in his turn, finds a compensation in the enjoyment of the like advantages when at home. This local disparity, unavoidable in the present or in any probable state of the civilized world, is not peculiar to the Colonial trade. With some variation in the degree, it exists in all countries where commerce is an object of legislative care.

On the subject of any arrangement by negotiation between the two Governments, agreeably to the suggestion contained in your letter, it would be idle for me to occupy your time, as you will, doubtless, be apprized of the views entertained by His Majesty's Ministers, directly through the American Envoy at London, by whose channel you mention, in a preceding letter, that an early communication of the same purport was to be made: I feel, at the same time, that I should hardly do justice to the sentiments of amity and good will which His Majesty's Government have ever been disposed to cherish towards this country, were I not to express my readiness to bring under their notice those cases, to which you refer, as arising out of a harsh construction of the late acts of Parliament, and pressing with undue rigor on the interests of American citizens; though it should not be forgotten that much of those complaints may, perhaps, be found, on inquiry, to proceed from individuals too deeply intent on their commercial gains to submit, with willingness, even to the most indispensable regulations.

I beg, sir, that you will accept the assurances of my perfect consideration.

STRATFORD CANNING.

The Hon. JOHN QUINCY ADAMS,
Secretary of State, &c.

Remarks on a bill "to regulate the commercial intercourse between the United States and certain British Colonial ports."

It may be observed, in the first place, that the general tone and character of this bill are strikingly restrictive, considering how much the important changes recently introduced into the Colonial trade of Great Britain are calculated to meet the declared views of the United States.

Sec. 3. —— "or upon the like goods, wares, and merchandise, imported into the said Colonial ports from elsewhere."

This clause in the third section appears susceptible of a construction which, if intended, would surely put the question of the discriminating duties on a footing no less unexpected than irreconcileable with the fair and natural view of the subject. In the commercial relations, as regulated between the United States and the British European Territories, the non-existence of alien charges and discriminating duties on one side, is received as the proper and sufficient return for the non-existence of the like charges and duties on the other. Both parties remain at liberty to raise revenue, and to protect their home produce, by levying duties on foreign imported articles.

Sec. 5. "Having come directly" ——— "other than in such as shall have come directly from one of the said ports of the United States."

This condition which limits the permission to export, in the case of British vessels, to such *as have previously come directly* from any of the enumerated ports, does not appear to have any counterpart in the British act of Parliament, which only insists upon the exportations being made direct to the ports of the country to which the vessel belongs, the condition of a direct voyage, in cases of *importation*, being applied to the *articles*, if any, so imported, and not to the *vessel*.

With respect to exportations from the enumerated Colonies to the United States, it may be well to observe that the act of Parliament does not confine the power of exportation to articles of Colonial produce and manufacture, but freely extends it to all articles, whatever, being the growth, produce, or manufacture, of any part of the British dominions. It is obvious that this branch of intercourse cannot be otherwise than

beneficial to the mercantile concerns of both countries.

In addition to these more prominent points, a verbal alteration or two, might. perhaps, be admitted for the sake of clearness and mutual convenience.

Sec. 2. —— "coming directly."

The word *directly* appears superfluous in this place. It can hardly be meant as a condition to the admittance of the *vessel ;* and the directness of the voyage, in cases of importation from the enumerated Colonies, is secured by the 4th section.

Sec. 2. —— "the importation of the like articles, to which, from elsewhere, is not, or shall not be prohibited by law."

If it be meant by this clause that the only articles of Colonial produce, &c. the importation of which is not to be allowed in British vessels, are such as are forbidden by other acts to be imported at all from any country, the present wording will, perhaps, be found to present some obscurity which it might be of use to remove.

Sec. 3. "Provided always," &c.

If proof of the non-existence of discriminating duties on the British side, be a requisite preliminary to their renewal on the part of the United States, is not this proviso superfluous ?

Sec. 5. "Elsewhere."

The signification of this word, as here employed, seems hardly clear. If it be intended, as may be inferred from the text, to mean "*to other Countries,*" would not this latter expression be more distinct ?

Memorandum communicated by Mr. Stratford Canning to Mr. Adams, 17th February, 1823.

It may be interesting to the American Government to know that he equality of duties on tonnage and imports, levied on British and

foreign vessels trading to the British Colonies under the act of Parliament, dated the 24th of June, 1822, of which equality information was, some time ago, officially given to the American Secretary of State, is not at all likely to be disturbed by the British Government, so long as the United States, after having adopted, adhere to a similar policy, and that, if the Government of the United States should have any preference for giving to that equality, on both sides, the more formal shape of a treaty, the British Government would not object to enter into negotiation for that purpose.

By the act of Parliament, permission is given to American, in common with British vessels, to export from the enumerated Colonies all articles whatever, being of the growth, produce, or manufacture, of any part of the British dominions. Though by far the greater part of the exports of British goods to the United States would naturally go by the direct line of conveyance, cases might occur, in which the operations of commerce would, perhaps, be facilitated by means of the extended permission just specified. The only object of inserting that permission in the Act of Parliament, was to enable the merchant, who might accidentally find the West India market overstocked with British goods, to dispose of them by sending them on to the United States, either in an American or British ship. This intercourse (whenever, in particular cases, it might happen to be carried on) could hardly prove otherwise than beneficial to the mercantile concerns of both countries; but it has not escaped the observation of the British Government, that, unless it be permitted on the part of the United States, as it now is on that of Great Britain, in common to British as well as to American vessels, a door would manifestly be opened to complaints from British merchants, of a want of due reciprocity from the United States.

WASHINGTON, *February* 17, 1823.

Extract of a letter, No. 64, from Mr. Adams to Mr. Rush, dated Department of State, 23d June, 1823.

"I have the honor of enclosing, herewith, copies of the correspondence between the British Minister residing here, Mr. Stratford Canning, and this Department, since the close of the last session of Congress, relating to the act of 1st March, 1823, 'to regulate the commercial intercourse between the United States and certain British colonial ports.'

This act was intended as a corresponding measure on the part of the United States to the act of Parliament of 24th of June, 1822, (3 Geo. IV. ch. 44.) On the 24th August, 1822, immediately after this act of Parliament was received here, the President of the United States issued the proclamation, a copy of which was transmitted to you, with my despatch No. 59, of the 27th of the same month.

That proclamation was issued in conformity with an act passed at the preceding session of Congress, (U. S. Laws, 17 Cong. 1 Sess.

p. 49,) which had provided that, on satisfactory evidence being given to the President of the United States, that *the ports* in the islands or colonies in the *West Indies*, under the dominion of Great Britain, *had been opened* to the vessels of the United States, the President should be authorized to issue his proclamation, declaring that *the ports of the United States* should thereafter *be open* to the vessels of Great Britain employed in the trade and intercourse between the United States and *such islands or colonies*, subject to such *reciprocal* rules and restrictions as the President might, by such proclamation, *make* and publish, any thing in the laws, entitled "An act concerning navigation," or an an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding.

The proclamation of the President was necessarily limited by the authority given in the law; and the law was enacted in anticipation of measures known to be then depending in Parliament, *one* of the objects of which was the opening of the British colonial ports to foreign vessels, including those of the United States. When the act of Congress, passed (6th May, 1822,) it was not known what colonial ports would be opened by the expected act of Parliament, nor under what rules and restrictions. It was, therefore, expressed, in general and indefinite terms, looking to *the* opening of *the* ports in the British West Indies generally, and manifesting the disposition to meet the British Government forthwith in *any* plan for opening the ports to the navigation of both countries, upon terms of *reciprocity*, the laws of both countries having at that time interdicted the trade between the United States and those colonies, in the vessels of either nation.

This interdiction on the part of the United States had been effected by the two laws referred to in the act of 6th of May, 1822: the act concerning navigation, bearing date the 18th of April, 1818, (U. S. Laws, vol. 6, p. 296,) and the supplementary act the 5th of May, 1820.

These laws had been enacted as counteractive of those of a like character, long before existing on the part of Great Britain, interdicting the trade in vessels of the United States. They had been resorted to after the failure of repeated attempts to settle, by amicable negotiation, the manner in which the trade might be regulated upon principles of reciprocity, attempts which were renewed immediately after the passage of the first of them, and upon the abortive issue of which the second received the sanction of Congress.

This intermediate negotiation between the 18th of April, 1818, and the 15th May, 1820, must be constantly borne in mind, in all discussion of the measures adopted on the part of the United States, predicated upon the act of Parliament of 24th June, 1822, opening the colonial ports. The whole subject of it is familiar to your memory as one of the negotiators of the Convention of 20th October, 1818, and as the sole subsequent negotiator concerning the article referred by the Plenipotentiaries of the United States, who concluded that Convention, to their Government.

By the Convention of 3d July, 1815, the commercial intercourse between the United States and the British territories *in Europe* was placed, in relation to navigation and revenue, on the following footing:

1. No other or higher duties of *importation* are to be imposed in either country, on any articles, *the growth, produce, or manufacture, of the other*, than are payable on *the like articles*, being the growth, produce, or manufacture of any other *foreign* country.

2. No higher or other *duties* or *charges* of *exportation* are to be imposed on any articles exported to the two countries, respectively, than are payable on the exportation of the like articles *to* any other *foreign* country.

3. No *prohibition* of exportation or importation of articles, the growth, produce, or manufacture, of either country, to the other, which shall not equally extend to all other nations.

4. No higher or other *duties* or *charges*, to be imposed in the ports of either party upon the *vessels* of the other, than upon its own.

5. The *same* duties to be paid on the importation of articles, the growth, produce, or manufacture, of either country, into the ports of the other, whether imported in the vessels of the United States or of Great Britain.

6. The same *duties*, to be paid, and the same *bounties* allowed on *exportation* of articles, the growth, produce, or manufacture, of either country to the other, whether exported in British vessels, or in vessels of the United States.

7. *In cases of drawbacks* allowed upon re-exportation of any goods, the growth, produce, or manufacture, of either country, to the other, respectively, the amount of drawback to be the same, whether the goods re-exported were *originally imported* in a British or an American vessel.

8. But when the re-exportation is to any other foreign country, the parties reserve to themselves, respectively, the right of regulating or diminishing the drawback.

9. And lastly. The intercourse between the United States and the British West Indies, and on the continent of North America, was not to be affected by any of these provisions, but each party was to remain in complete possession of its rights with respect to such an intercourse.

The system of reciprocity, with regard to navigation established by this article, between the United States and the British possessions in Europe, was substantially the acceptance of a proposal made to all the nations with which the United States have commercial intercourse, by the act of Congress of 3d March, 1815, conditionally repealing our discriminating duties, (U. S. Laws, vol. 4, p. 824.) But it was expressly limited to the British Possessions *in Europe;* and, while accepting it thus far, the British Government reverted to the system of interdiction to the admission of our vessels into her American colonial ports.

The direct trade between the United States and Great Britain was so interwoven with, and dependent upon that between the United States and the Colonies, that this Convention would have been worse than nugatory to the United States, if, while the European part of this intercourse was placed upon a footing of entire reciprocity, that between the United States and the Colonies had been exclusively monopolized by British navigators. This was practically felt from the moment that the Convention took effect; and, in the year 1816, several efforts were made to induce the British Government to adjust this collision of interests by amicable negotiation.

(See Message P. U. S. 13th Feb. 1823, pp. 37, 39, 49) [also, Documents 15th Con. 1st Sess. [87] Rept. Com'ce. H. R. U. S. 9th Feb. 1818, Document marked F.]

In March, 1817, a draft of four articles was communicated by Lord Castlereagh, through your predecessor, to the Government of the United States, which was stated to embrace all that could then be assented to by Great Britain, towards admitting the United States to a participation in the trade between them and the colonies.

The first of these articles extended to the United States the provisions of the Free Port Acts of Parliament of 27th June, 1805, and 30th June, 1808, authorizing a certain trade, in certain enumerated articles, with certain enumerated ports of British West India Islands, to the colonial inhabitants of foreign *European* possessions, in vessels of one deck. The island of Bermuda was included in the provisions of this act.

The second article made a special and additional provision for the trade between the United States and the island of Bermuda, allowing a longer list of articles, both of import and export, and without limitation as to the size or form of the vessels to be employed in the trade.

The third article proposed to allow access to vessels of the United States to Turk's Island, for salt, and to import tobacco, and cotton wool, produce of the United States. The fourth proposed to regulate the intercourse between the United States and the British Territories adjoining them, on the continent of North America.

After a full and deliberate consideration, these articles were considered by the Government of the United States, as not acceptable, and the Act of Congress, of 18th April, 1818, concerning navigation, was passed.

The negotiation of the Convention of 20th October, 1818, immediately afterwards ensued, with regard to which you are referred—

To the letter from this Department to you, dated 21st May, 1818, [Message 18th February, 1823, p. 59.]

To the letter from this Department to Mr. Gallatin, 22d May, 1818, p. 62.

Your letter to this Department, 25th July, 1818, [68, 69, 70.]

Instructions from this Department to Messrs. Gallatin and Rush, 28th July, 1818, [71, 72.]

Letter from Messrs. Gallatin and Rush to this Department, 20th October, 1818, [p. 107, 108, 109, 110, 111.]

Protocol of third conference, article C, and another proposed by American Plenipotentiaries, [115, 118.]

Protocol of fifth conference, article D, proposed by British Plenipotentiaries, [133.]

Protocol of eighth conference, article F, proposed by British Plenipotentiaries, and taken by the American Plenipotentiaries, for reference to their Government, [150.]

And, subsequently to the conclusion of the Convention,

To letter from this Department to you, 1st December, 1818, [p 89.]

Do do do 7th May, 1819, and two articles proposed, [91, 97.]

Your letter to this Department, 14th June, 1819, [97.]

Do do do 17th September, 1819, [99.]

Letter from this Department to you, 27th May, 1820, transmitting the Act of Congress of 15th May, 1820, [101.]

By the Act of Congress of 15th April, 1818, concerning navigation, the ports of the United States were, from the 30th of September of that year, closed against British vessels, coming from any British colony, by *the ordinary laws of navigation and trade*, closed against vessels of the United States; and British vessels, sailing with cargoes from ports of the United States, were laid under bonds to land their cargoes in some port or place other than in a colony closed against vessels of the United States.

It was a non-intercourse in *British* vessels, with ports closed by British laws against the vessels of the United States.

By the supplementary Act of 15th May, 1820, the ports of the United States were, from the 30th of September of that year, closed against British vessels coming or arriving by sea, from *any* British colonial ports in the West Indies, or American British vessels from ports of the United States, were laid under bonds to land their cargoes in some place other than any British American colony; and, articles of British West Indian, or North American produce, were allowed to be imported into the United States only direct from the province, colony, plantation, island, possession, or place, of which they were *wholly* the growth, produce, or manufacture; it was a non-intercourse in *British vessels* with all the British American colonies; and a prohibition of all articles, the produce of those colonies, except the produce of each colony imported directly from itself.

In the meantime, an Act of Parliament of 8th May, 1818, [58 Geo. 3, ch. 19,] and an Order of Council of 27th May, 1818, founded thereon, opened the ports of Halifax, in Nova Scotia, and of St. John, in New-Brunswick, to the vessels of all foreign nations in amity with Great Britain, for importation of certain enumerated articles, and for exportation to the country to which the foreign vessel should belong. This Act was limited in its duration to three years and six weeks after the commencement of the then next session of Parliament: but, the Order of Council, specifying the ports to which it should be extended, was *revocable at pleasure*.

This Act of Parliament, and Order in Council, were construed, in the United States, not to affect, in any manner, the provisions of the

Act of Congress of 15th April, 1818. The ports of Halifax and St. John remained closed against vessels of the United States, *by the ordinary laws of navigation and trade*, although opened for a limited time by an Order of Council, revocable at pleasure. Their real condition, therefore, in October, 1818, was that of being open to the vessels of the United States, while the ports of the United States were closed against British vessels coming from them.

It was on the 6th of October, 1818, that the British Plenipotentiaries, at the negotiation of the Convention of the 20th of that month, proposed the article D, relating to the intercourse between the United States and the provinces of Nova Scotia and New Brunswick, which article they, on the 19th, declared was, together with the one offered in March, 1817, relating to Bermuda, a sine qua non of *any* article to be signed by them, relating to the direct intercourse between the United States and the British colonies in the West Indies.

And the article D contained precisely the same list of articles importable, and the same limitations with regard to export, in vessels of the United States, as were already contained in the Act of Parliament of the 8th, and in the Order in Council of the 27th of May, 1818; and the article further proposed an equalization of duties of impost and tonnage on the vessels and articles employed in the trade, whether British or American. So that the proposition really was, that the United States should open to the British a free and equal participation of the intercourse between the United States and the provinces of Nova Scotia and New Brunswick; then, by the counteracting regulations of the two countries, exclusively enjoyed by the United States themselves.

The article relating to the intercourse between the United States and Bermuda, was yet more remarkable. By an Act of Parliament of 1st July, 1812, [52 Geo. 3, ch. —] sugar and coffee, the produce of *any* British colony or plantation in the West Indies, imported into the island of Bermuda in British ships, was allowed to be exported from the port of St. George to the United States, in any foreign ship above 60 tons burthen, belonging to any country in amity with Great Britain; and a list of articles enumerated was allowed to be imported from the United States to the said port, in any foreign ship belonging to any country in amity with Great Britain; and this list contained, besides every article enumerated in the proposal of the British Plenipotentiaries, horses and cattle, sheep, hogs, poultry, and live stock of any sort, which, in the British proposal, were excluded from the Bermuda list, and transferred to that of Nova Scotia and New-Brunswick. To the articles of sugar and coffee, exportable by the Act of Parliament, the proposal added molasses, cocoa nuts, ginger, and pimento.

These two articles, therefore, were to be considered as the equivalents asked of the United States for the admission proposed of their vessels to any British ports in the West Indies, which should be open to the vessels of any other foreign Power or State.

The following parallel lists of articles, proposed to be admitted for importation and exportation, in the intercourse between the United

States, on the one part, and Nova Scotia, with New Brunswick, Bermuda, and the West Indies, on the other, by the three connected and inseparable articles proposed by the British Plenipotentiaries, may serve further to elucidate the character of the proposal.

Articles of importation proposed to be admitted in vessels of the United States.

TO NOVA SCOTIA AND NEW BRUNSWICK.		TO BERMUDA.	TO THE WEST INDIES.
	Tobacco.	Tobacco.	Tobacco.
	Pitch.	Pitch.	Pitch.
	Tar.	Tar.	Tar.
	Turpentine.	Turpentine.	Turpentine.
		Hemp.	
		Flax.	
		Masts.	
		Yards.	
		Bowsprits.	
Scantling.	Staves.	Staves.	Staves.
	Heading boards.	Heading boards.	Headings.
	Plank.	Plank.	
		Timber.	
	Shingles.	Shingles.	Shingles.
Hoops.			
Horses.			
Neat Cattle.		Lumber, any sort.	Horses.
Sheep.	Bread.	Bread.	Mules.
Hogs.	Biscuit.	Biscuit.	Poultry.
Poultry.	Flour.	Flour.	Live stock.
Live stock, of any sort.	Peas.	Peas.	Provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter.
Fruits.	Beans.	Beans.	
Seeds.	Potatoes.	Potatoes.	
	Wheat.	Wheat.	
	Rice.	Rice.	
	Oats.	Oats.	
	Barley.	Barley.	
	Grain, any sort.	Grain, any sort.	

EXPORTS.

FROM NOVA SCOTIA & NEW BRUNSWICK.	BERMUDA.	WEST INDIES.
Gypsum.	Any goods exportable to any foreign country.	Rum.
Grindstones.	Sugar.	Molasses.
Any articles of the growth of the province, or of British dominions.	Molasses.	Salt.
	Coffee.	Other articles exportable in foreign vessels to any other foreign country.
	Cocoa nuts.	
	Ginger.	
	Pimento.	
	Any British goods.	

By another act of Parliament, of 23d May, 1818, the articles of tobacco, rice, grain, peas, beans, and flour, were allowed to be imported in *British* vessels, into *any* British colony in the West Indies, or on the continent of South America, from any foreign European colony in America. And peas and beans were allowed to be imported into the enumerated ports of the British West Indies from foreign *European*, the possession in the West Indies, and on the continent of America, in foreign single decked vessels.

In the letter from this Department to you, of the 7th of May, 1819, a comparative view was taken between the articles which had been proposed at the third conference by the American Plenipotentiaries, at the negotiation of the convention, and the articles proposed at the fifth and eighth conferences, by the British Plenipotentiaries, and then received by the American Plenipotentiaries for reference to their Government. And a draft of two articles was enclosed with the letter, forming a compromise between the two *proposals* reviewed, and which you were authorized to offer, as a final proposal on the part of this Government in relation to the subject. These articles, acceding to a limited and enumerated list of ports of importation in the British colonies, and to a limited and enumerated list of articles importable in them, adhered only to two principles.

1. That the list of importable articles should be the same for the West Indies, for Bermuda, and for the North American Provinces; and, 2, that *all* the duties and charges, imposable upon them, should be equalized; and, particularly, that no other, or higher duties, should be charged upon them than upon similar articles, when imported from *any other country, or place*, whatsoever. Your letter, of the 14th of June, 1819, to this Department, announced that a copy of this draft had been submitted by you to the consideration of the British Government, and your letter, of 17th September, 1819, that they had declined accepting it. At the conference between you and Lord Castlereagh, when he informed you of this determination, he stated the special objections to the project upon which it had been founded, and you repeated to him the views of the Government of the United States on which the offer had been made. The supplementary navigation act of Congress was approved on the 15th of May, 1820.

This, then, was the relative state of the intercourse between the United States and, 1, the Provinces of Nova Scotia and New Brunswick; 2, the Island of Bermuda; and, 3, the British colonies in the West Indies, from the 30th of September, 1820, till the passage of the act of Parliament, of 24th June, 1822.

By the acts of Parliament of 3d Geo. 4, ch. 42 and 43, the navigation act of 12 Charles 2, ch. 18, was repealed, so far as related to the *importation* of goods and merchandise into Great Britain. But the American trade acts, and the acts relating to importations from the British colonies in America and the West Indies, were left in full force.

The act of 3d Geo. 4, ch. 44, purports to be an act to regulate the trade between his Majesty's possessions in America and the West Indies, and *other places* in America and the West Indies.

It leaves the principle of the navigation act of Charles 2, untouched: but, by the first section, repeals the whole series of what were called American trade acts: that is, acts regulating the trade between the United States of America and the British American and West India colonies, since the independence of this country, beginning with the act of 28 Geo. 3, ch. 39, and ending with 1 and 2 Geo. 4. ch. 7, twenty-five statutes, for which it substitutes the following system:

1. By the third section, it provides that, from and after the passing of the act, *a certain list of enumerated articles* shall be importable into a certain list of enumerated ports in the British American colonies, insular or continental, in British vessels, or in foreign vessels, bona fide the built of, and owned by, the inhabitants of the country of which the said articles are the growth, produce, or manufacture; or British built vessels, become their property, and navigated with a master, and three-fourths of the mariners, at least, belonging to such country, or place, provided that, in the *foreign* vessels, the articles shall only be brought directly from the country, or place, of which they are the growth, produce, or manufacture.

2. By the fourth section, it allows the exportation from the enumerated ports, in British vessels, *or in any foreign ship or vessel, as aforesaid*, of any article of the growth, produce, or manufacture, of any of the British dominions, or any other article legally imported into the said ports, (arms and naval stores excepted, unless by license from His Majesty's Secretary of State:) provided, that, in *foreign* ships, they shall be exportable only *direct* to the country or State in America or the West Indies, to which the vessel belongs; and export bonds are to be given, in a penalty equal to half the value of the articles, that they shall be landed at the port or ports for which entered; and certificate of the landing to be produced within twelve months.

By the 7th section, it is provided, that upon a certain portion, enumerated in schedule C, of the articles enumerated as importable in schedule B, certain duties shall be levied and collected, when imported from any *foreign* Island, State, or Country, under the authority of the act.

The 11th section enacts, that the same duties upon the *foreign* article shall also be levied, if imported direct from any port of Great Britain and Ireland.

The 14th section authorizes the exportation, in *British* vessels, of the articles enumerated in schedule B, to any other British colony or plantation in America or the West Indies, or to any port of Great Britain and Ireland, subject to the provisions of the navigation act of 12 Ch. 2, ch. 18; and of 22 and 23 Ch. 2 ch. 26. and 20 George 3 ch. 10.

The 15th section authorizes the King, by order in Council, to prohibit trade and intercourse with any Country or Island in America or the West Indies, if it shall appear to His Majesty that the privileges *granted by this act* to foreign ships and vessels, are not allowed to British ships and vessels trading to and from any such country, under the provisions of the act; and, in case such order in council shall be issued, then, during the time of its being in force, none of

the provisions of the act shall apply to any Country or State, the trade with which, under the provisions of the act, shall be prohibited by the order in council.

The 17th section prohibits, on penalty of the forfeiture of vessel and cargo, the importation into the enumerated ports, from any foreign country on the continent of America, or any Island in the West Indies, of any articles, except those enumerated in the schedule B.

And, the 18th section prohibits, upon like penalty, the importation or exportation of any articles whatever, from, or to any foreign country, on the continent of North or South America, or any foreign Island in the West Indies, into, or *from any port* of any British colony, plantation, or island, in America or the West Indies, not enumerated in the schedule A.

If the object of this act of Parliament was to open the ports of the British colonies in the West Indies and in America, to the vessels of the United States, upon terms of reciprocity, it was not well adapted to its purpose.

In the 15th section it is declared to be the intention and meaning of the act, that the privileges granted by it to foreign ships and vessels, shall be confined to the ships and vessels of such countries only as give *the like privileges* to British ships and vessels in their ports in America and the West Indies. And the the King is authorized to issue his order in council, *prohibiting trade and intercourse* under the authority of the act, if it shall appear to him that *the privileges granted by this* act to foreign ships and vessels, are not *allowed* to British vessels trading to, and from, any such country or island, under the provisions of this act.

Now, what are the *privileges granted by this act* to the vessels of the United States? That they may bring *directly*, and not otherwise, from some port of the United States to certain colonial ports, named in the act of Parliament, and *none others*, certain articles of merchandise, specifically named, and *none others*. That, upon their arrival, of all the articles which they are permitted to bring, they shall pay enormous duties upon that portion which consists of the productions of the United States, consumable in the colonies themselves; and the only portion which, in the results of the trade, would be to the United States profitable export, and to one part of the colonies necessary import. And these duties are to be paid, while the British vessels, enjoying *all the privileges granted by this act*, possess the additional and exclusive privilege of carrying to the same West India ports, directly, or indirectly, the same articles; thus heavily charged when coming from the United States, but free from all duty when carried from the colony in North America to the colony in the West Indies.

Again: the vessel of the United States, admitted to the above privileges, has the further privilege, if she can procure a cargo, to return directly, and not *otherwise*, to the United States; and to give bond, upon penalty, equal to half the value of said cargo, for the landing it at the port or ports for which entered; and for producing a certificate thereof, within twelve months. But, there is a charge, not indeed *imposed by this act*, but from which this act has not relieved them:

that of paying a colonial export duty of 4 or 5 per cent. ad valorem upon this return cargo. To this charge, British vessels may also be liable, if their owners choose to incur it; but, if they prefer exporting their cargoes without paying any export duty, they are free to go to any part of the British dominions in Europe or America. They are not required to give the export bond for the landing of the articles at the port or ports for which entered, and for producing, within twelve months, a certificate thereof.

By the letter of the act of Parliament, if the privileges *granted by it* to the vessels of the United States should appear to the King not *to be allowed* to British vessels trading under the provisions of the act, he may, by an order in council, at his discretion, *prohibit trade and intercourse* under the authority of the act.

The words, "the *privileges granted by this act*," are explained by the context of the section, to mean *like* privileges, to be allowed by the laws of the United States to British vessels employed in the same trade.

If an act of Congress had passed, admitting British vessels coming from colonial British ports in America and the West Indies, to enter a certain specified list of ports in the United States, selected at the pleasure of Congress, *and no others;* if it had allowed them to bring in those vessels an enumerated list of articles, (from which rum and molasses, for example, should be excluded,) and no others; if it had included, for example, sugar and coffee among the admissable articles, but burthened them with duties equivalent to ten per cent. ad valorem *more* than would be paid upon the same articles imported from elsewhere; if it had compelled the British vessels, so admitted, if they took a *return* cargo, to give bonds for landing it at the port or ports in the British colonies, for which the vessel should clear out; and if, not by the act of Congress, but by some law of the State, from which this privileged British vessel should depart, an export duty of 4 or 5 per cent. ad valorem should be levied upon this her return cargo, then British vessels in the ports of the United States, would have been allowed *like* privileges with those granted by the act of Parliament to vessels of the United States in the colonial ports. And so exactly like would they have been, that, under such an act of Congress, and such a grant of privileges to British vessels, the conditional authority given by the 15th section of the act of Parliament to the King, of prohibiting the trade and intercourse, would not have attached, according to the letter of the act, although it might have appeared to His Majesty, that "the *privileges granted by this act*" were not allowed to British vessels trading to, and from, the United States, under its provisions.

The privileges granted by this act, could of course, be allowed only by the same authority from which it emanated; that is, by the British Parliament. *Like* privileges would have been such as I have now described; that is, privileges subject to like limitations and restrictions, which, as the bare exposition of them here will shew, would have been found to be no privileges at all.

The act of Parliament opened certain colonial ports, upon certain very onerous conditions, to vessels of the United States. If the United States had opened their ports to British vessels from the colonies, without condition or limitation, the privileges of British vessels in our ports would have been in no wise *like* those of the vessels of the United States in the colonial ports. In point of fact, the privilege of the British vessels would have been *exclusive*, and that of the American vessels *exclusion*.

Immediately after receiving the act of Parliament which opened certain ports of the British colonies in the West Indies, and in America, to the vessels of the United States, the President, exercising the authority given him by anticipation in the act of Congress of 6th May, 1822, issued his proclamation, opening the ports of the United States, generally, to British vessels, coming from any of the ports enumerated in the act of Parliament. And, in this proclamation, he gave the most liberal construction, for the benefit of British vessels, to the act of Congress on which it was founded: for, by the laws of the United States, when the act of Congress passed, and until the proclamation issued, the ports of the United States were closed against British vessels from *any* of the British colonies in the West Indies or in America; while, by the British laws, the ports of St. John and Halifax, in New Brunswick and Nova Scotia, those of Port St. George and Hamilton, in the Island of Bermuda, and the ports of the Bahama Islands, were opened to vessels of the United States. These ports, therefore, the act of Parliament did not open to our vessels, and the proclamation, by opening the ports of the United States to vessels coming from them, was much more extensive in its operation than the act of Parliament itself.

As *reciprocal* to the rules and restrictions under which the trade was permitted by the British Parliament, the President's proclamation provided that no articles should be imported into the United States in British vessels coming from the West Indies, other than articles of the growth, produce, or manufacture, of the British West India Colonies, and none other than articles of the growth, produce, or manufacture, of the British Colonies in North America or Newfoundland, in British vessels, coming respectively from that Island or from North American Colonies; and, by the existing revenue laws of the United States, all British vessels and their cargoes, coming from any of the Colonies, remained subject to the *foreign* tonnage and impost duties. In my letter to you of 27th August, 1822, enclosing a copy of this proclamation, I suggested to you the opinion that some further understanding between the two Governments would be necessary for regulating this trade in a manner advantageous to the interests of both parties, and the readiness of this Government to enter upon arrangements for that purpose with the British Government.

On the 25th of October, 1822, the British Minister residing here, addressed a note to this Department, containing representations against the rules and restrictions provided in the proclamation, as not being specific counterparts to those of the act of Parliament; and.

also, claiming exemption from the *foreign* tonnage and impost duties for British vessels and their cargoes, coming from the Colonies, because the act of Parliament subjected British and foreign vessels engaged in this trade, only to the same duties and charges; and if there were in the Colonies any discriminating charges against foreign vessels, they *did not* appear in the act of Parliament.

I have shewn you above, what would have been a *specific counterpart* to the rules and restrictions of the act of Parliament, and to the colonial export duty co-existing with it. Had the President possessed the power of prescribing them by his proclamation, they would have been in effect equivalent to a total prohibition of the intercourse in British vessels, and appeared little better than a mockery. But the President had no such power. He could neither select an exclusive list of ports of admission, nor levy an export duty, nor repeal the foreign tonnage and impost. Mr. Canning's note was answered, and he replied. There was, also, much discussion of the subject between us, at personal interviews, in which, as well as in his notes, he kept me constantly reminded of the authority given by the act of Parliament to the King, to prohibit the intercourse by an order in council. *if the privileges granted by this act* should not be allowed to British vessels, and of the necessity there would be of countervailing discriminations, if those of the proclamation, and the foreign tonnage and impost duty, should remain.

In the course of this correspondence and of these conferences, which continued through the whole of the late session of Congress, Mr. Canning, with great earnestness, pressed the claim of admission for British vessels, from the Colonies, free from *all* discriminating duties and charges, on the *argument* that there were no discriminating duties or charges operating against vessels of the United States in the Colonies. On the 13th of January, 1823, he addressed to this Department a note, claiming, distinctly, the withdrawal of all the discriminating duties, and particularly the application to British vessels coming from the Colonies, of the fair and full operation of such acts of Congress, including that of March 3d, 1815, as appear to have an immediate application to the case.

In support of his *argument*, that there were no discriminating duties operating against us in the Colonies, he then, and at other times, communicated copies of documents from a few of the enumerated ports, certifying that British and American vessels paid the same *fees*, or that, *by the* act *of Parliament*, they paid the same duties; or that they paid the same *Custom House expenses*; and he constantly urged that these were sufficient to establish the fact that our vessels and their cargoes paid in the colonies no other or higher fees, duties, or charges, than British vessels, and, consequently, the claim that British vessels from the Colonies should pay no higher or other duties, fees, or charges, than our own. But he invariably declined pledging himself or his Government to any declaration that there were no discriminating duties in the enumerated ports, and we have now satisfactory information that, in some of them, there were, and still are, discriminations to our disadvantage, besides those of the act of Parliament.

The act of Congress of 1st March, 1823, "to regulate the commercial intercourse between the United States, and certain British colonial ports," was introduced into the Senate by their Committee of Foreign Relations, at an early period of the late session. In maturing it, they had before them the act of Parliament of 24th June, 1822, the President's proclamation, and the correspondence between Mr. Canning and this Department concerning it. While it was in discussion before the Committee of the Senate, Mr. Canning, to whom a copy of the bill had been communicated, made some written remarks upon it, which were immediately submitted to the consideration of the committee. The full import of the term elsewhere, in the second, third, and fifth sections of the act, which formed the principal subject of these remarks, was deliberately examined and settled, as well in Senate, as upon a consultation by the President with the members of the Administration; and was explicitly made known to Mr. Canning.

The principle assumed by the act, was not the *repeal*, but the *suspension*, during the continuance of the admission of our vessels into the colonial ports by the act of Parliament, of our two navigation acts.

In return for the opening of the colonial ports to our vessels, by the act of Parliament, we opened our ports to British vessels from the same colonial ports. But, as a power was left to the King, by an order in council, to prohibit the trade and intercourse, it was necessary to be prepared for that contingency, if it should occur, by making the revival of our acts of navigation, also, contingent upon the same event.

As, by the act of Parliament, the intercourse in our vessels was limited to *direct* voyages, both to and from the United States, and the enumerated ports, the same limitation was prescribed for the intercourse in British vessels, by the act of Congress. One of Mr. Canning's remarks was, that the condition in the 5th section of our act, which limits the permission to export in British vessels to such *as have previously come directly* from any of the enumerated ports, did not appear to have any *counterpart* in the British act of Parliament.—This is true: the counterpart was not in that act of Parliament, but in the old navigation act of 12 Ch. 2. By that act, no vessel of the United States could *enter* any of the enumerated ports, coming from any other part of the world; and the act of the 24th June, 1822, admitted them only *direct* from the United States. No vessel of ours, therefore, other than such as have previously come direct from the United States to the enumerated ports, can export any thing from them, because no other are admitted into the enumerated ports at all. Now, we could not exclude British vessels from coming to the United States from every other part of the world except the enumerated ports, which would be the full counterpart to the exclusion of the old navigation act of Charles 2, still in force against us; but we could, and did, exclude those coming from elsewhere, from bringing with them merchandise from the enumerated ports, and those coming from the enumerated ports, from bringing with them merchandise from elsewhere.—The result was strictly reciprocal, though our act, in granting the like

privilege to that of the act of Parliament of 24th June, 1822, annexed to it the *like* restriction to that of the old British navigation act of Charles the Second.

The principal objection of Mr. Canning, was to the import of the term elsewhere. He was distinctly informed that the construction, of which he observes in his remarks, it appears to be susceptible, was the construction which it was intended to bear, and would receive.

But, that it would put the question of the discriminating duties on a footing irreconcileable with the fair and natural view "of the subject," we can by no means admit.

As little do we admit, that, having reference to the conclusion of the negotiation in 1819, it ought to have been unexpected. It has been seen that the United States, then explicitly declined acceding to an article which would have opened the colonial ports, *because* it would have reserved to Great Britain the right of laying, in the colonial ports, higher duties upon articles of the growth, produce, or manufacture, of the United States, than upon the like articles of the growth, produce, or manufacture, of Great Britain, or her own colonies. The act of Parliament, 3 Geo. IV. ch. 44. (of 24th June, 1822,) opened the colonial ports, with a threat to close them again, (or rather to prohibit all trade and intercourse with them,) if it should not be acceded to in all its parts of *privilege*, without regard to its conditions of restriction, or to the other restrictions, under which the privileges must be, if at all, accepted. It undertook to do, by British *Laws*, that, the reserved right to do which we had unequivocally refused to accede to by compact. In the course of the conference with Mr. Canning, I proved this to him by reading to him the parts of the joint letter from Messrs. Gallatin and Rush, to this Department, of 20th October, 1818, relating to the subject, and the extracts from your letters of 14th June, and 17th September, 1819, connected with it. The duties in the schedule C, of the act of Parliament, *are all* upon articles of the first necessity to the West India Colonies; articles which *can* be furnished them only from the United States, or from the adjoining North American British colonies; and articles constituting almost all the valuable exports allowed by the act of Parliament, and consumable in the colonies. They are all upon *bread-stuffs, live stock, and lumber*; and the whole of them are equivalent to an average of at least ten per cent. upon the value of the articles. Of these articles, the live-stock and the lumber could be exported only from the Northern parts of the United States. Could it possibly be supposed, that, while, from the ports of the State of Maine, such articles, imported into Jamaica, St. Kitts, or Antigua, should be burthened with a duty of ten per cent. upon their value, the same articles from the Province of New Brunswick, being admitted duty free, there could be any competition sustainable between the vessels of the two countries, in which they should, on such unequal terms, be introduced? And if we add to this, that, after disposing of her cargo, the vessel from New Brunswick might take a return cargo, also duty free, or might trade from colony to colony without restraint, while the vessel from Maine must depart in

ballast, or return to the United States laden with an export duty upon her cargo, what feature of reciprocity would there be, upon which the very idea of competition could escape the charge of absurdity?

The act of Congress, therefore, opens the ports of the United States to British vessels from the Colonial ports, enumerated in the act of Parliament, but not upon the identical terms prescribed in it.

The restrictions of the act of Congress are counterparts, not only to the restrictions of that particular act of Parliament, but to the others, to which the American trade to the Colonies is subject, whether by colonial laws, or by the navigation act of Charles 2d; and as some of those British restrictions were of a character which we could not meet by *specific* counterparts, we met them by analogical restrictions, productive of the same result. This was insisted on by our Plenipotentiaries at the discussion during the negotiation of the Convention of 1818, and Great Britain could not justly expect the discriminating surcharges, the reserved right of levying which, we unequivocally refused to sanction with our consent as a *bargain*, we should be ready to accept as a dispensation of British law. For an enumerated list of ports, part only of which are opened by the act of Parliament, we open *all* our ports in return. For an enumerated and very scanty list of importable articles, we agreed to receive, in return, all the valuable exportable articles of all the opened British Colonies; for a duty of ten per cent. impost. and of four or five per cent. on exports, upon the *value of the articles* of the trade, we retain a foreign tonnage duty of ninety-four cents per ton on British vessels employed in the trade, and ten per cent. additional, (not upon the value of the article, but upon the impost duty otherwise charged upon it,) upon the articles imported in them.

It is doubtful whether these countervailing restrictions, on our part, will prove sufficient to enable our vessels to pursue the trade in equal competition with the British; still more doubtful, whether, under the double system of restrictions, the trade itself can be pursued in a manner which will relieve the British West India colonies from the distress, which was rapidly hurrying them to ruin, under the preceding restrictions of the navigation act of Charles the 2d. Surely the British Government must be aware, that profit is the sine qua non of trade, and that, if they load with enormous duties the articles indispensable to the existence of their colonies, those duties must be paid by the colonies themselves, or they will smother the trade itself.

If the object of the act of Parliament was merely to balance the advantages of our proximity to the West Indians, their duties of import are at least five fold too heavy. And as to the export duty, how could it possibly be paid, upon articles to be brought into our market n competition with the like articles, partly of our own produce, and most largely from Cuba, St. Domingo, and other West India Islands, where no export duty exists. The result must be, and has already proved to be, that our vessels admitted to the British colonial ports, can take no return cargoes, and must come away in ballast. So that, if they could sell their outward cargoes at a profit, upon which the

trade could *live*, it must be paid in *specie* by the colonists, leaving their staple commodities to rot upon their plantations, or to the old monopoly of the market at *home*.

The request of explanation as to the extent of the meaning of the term *elsewhere*, in the act of Congress, in Mr. Canning's correspondence with this Department, since the close of the session, has not arisen from any doubt which he could entertain in his own mind, of the construction which would be given to it here. This was fully discussed during the passage of the act, and well understood by him, but the eagerness of the British merchants in Nova Scotia and New Brunswick, and in some of our cities, to have the trade entirely to themselves, prompted them to expect that a different construction would be given to the act; a construction which would have left the word *elsewhere*, without any effect or meaning at all. Mr. Chipman, acting as Governor of New Brunswick, issued a proclamation, declaring that, in that province, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted on vessels of the United States, than upon British vessels; or upon the like goods, wares, and merchandise, imported therein from *elsewhere*; but, in this *elsewhere*, the British territories in Europe and the West Indies were not included. They, according to him, were not *elsewhere*, with reference to the *ports of the United States*; or in other words, were ports, of the United States. The Lieutenant Governor of Nova Scotia was more cautious. He transmitted to Mr. Canning statements from the officers of the customs, shewing that, by the act of Parliament, no other duties of impost or of tonnage were levied upon vessels of the United States at Halifax, than upon *British* vessels; but, even this, according to a document accompanying these statements, did not include vessels of the province itself. They, by a colonial law, are entitled to a deduction of two pence per ton from the tonnage duty payable by *British* vessels, according to which doctrine they are not British vessels themselves.

I have explicitly assured Mr. Canning that the proclamation of the President, authorized by the third section of the act of Congress of 1st March, 1823, cannot be issued without a declaration pledging the faith of the British Government that, upon the vessels of the United States, admitted into *all and every one* of the enumerated ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted, than upon all British vessels, (including all vessels of the colonies themselves) or upon the like goods, wares, or merchandise, imported into the said colonial ports *from any where*, including Great Britain and the other British colonies themselves; and that, until such proof shall be given, British vessels, and their cargoes, coming from the colonies of the United States, must continue to pay our foreign tonnage, and ten per cent. additional impost duties. Notice of this has been given by Mr. Canning to the British Consuls, in a letter which has been published, and which you will find in one of the newspapers herewith sent, (National

Intelligencer of 29th May, 1823.) By the respective regulations of the two countries, the present condition of the trade is as follows:

The intercourse between the ports of the United States and the enumerated colonial ports, is open to the vessels of both parties.

By the British regulations, American vessels are admitted into the enumerated ports only *direct* from the United States. They are allowed to import only certain enumerated articles.

British vessels are admitted into the enumerated ports, and others, without restriction.

Upon all the important articles of this list, a duty equivalent to ten per cent. ad valorem is imposed.

They may enter direct from the United States, or from any other port of America, or from the British possessions in Europe.

If they take return cargoes, they must give export bonds for landing them in the port or ports of the United States, for which *only* they can clear out. And, in most, if not all, of the West India Colonies, they pay an export duty of from four to five per cent. ad valorem.

They are allowed to import not only the enumerated articles, but all others not entirely prohibited; and among the articles, the exclusive carriage of which is reserved to them, are articles of the first necessity to the Colonies and staple exports from the United States, on the important articles which, in common with the vessels of the United States, they may import direct from the United States; if they *do so* import them, the ten per cent. duty, ad valorem must be paid. But they may import the like articles from Great Britain, or from the North American to the West India Colonies, *duty free*; they are liable to no export bond; may trade between colony and colony; may export cargoes for any part of the British dominions in Europe or America and pay no export duty, nor unless they choose to return to the United States.

By the American regulations, British vessels from the enumerated ports are admitted, if laden, into the United States, only with cargoes of colonial produce.

American vessels may bring, from the enumerated ports, any articles, the exportation of which, from those ports, is permitted by the British laws.

They are allowed to take return cargoes only *direct* to the enumerated ports.

They are in no case compelled to return to the enumerated ports.

They pay the foreign tonnage duty of ninety-four cents per ton, and the foreign ten per cent. additional impost on their cargoes.

They are exempt from the foreign tonnage and additional impost duties.

It is impossible to take this comparative view of the respective exemptions and restrictions operating on the vessels of the two countries employed in the same trade, without perceiving that the balance of advantage is highly in favor of the British, and against the American navigation; and that the United States could not consent to equalize the tonnage and impost duties, without surrendering the whole trade to the British shipping, and defeating the object for which both our navigation acts of 1818 and 1820 were provided."

"Throughout the whole course of these modifications of the old British navigation act of Charles II. offered us by the acts of 24th June and 5th August, 1822, the admission of our vessels to the British *West India* colonies, has been presented to us, not only upon conditions excessively burdensome, but under a direct *menace* that, if we should not accept it upon the identical terms offered in those acts, *all* commercial intercourse between us and *all* the British colonies in this hemisphere, would be prohibited by an order in council. And we have received frequent intimations that this power, reserved to the King by the act of the 24th June, would be exercised, if we should not immediately exempt British vessels, employed in the trade, from the foreign tonnage and additional impost duties, and place them, in these respects, on the same footing with our own. We have been, therefore, under the necessity of deciding upon our course of policy, relating to this interest, upon a calculation of probability that the power would be exercised, and that the order of council would issue; and from a full and deliberate view of the subject, we have come to the conclusion that, however injurious that measure, if resorted to, would prove to us, it would still be less mischievous than the total abandonment of our defensive system of counteraction, established by our navigation acts of 1818 and 1820. We are also perfectly convinced that this would be the effect of our acceptance, unconditional, of the intercourse as prescribed by the act of Parliament of 24th June, 1822; and particularly of releasing the British shipping, employed in the trade, from the foreign tonnage and impost duties. The act of Congress has provided that, if the British order prohibiting the trade and intercourse in our vessels, with any of the enumerated ports, under the authority of the act of Parliament, should be issued, from the day of the date of the order in council, or from the time of its commencing to be in operation, our two navigation acts should revive and be in full force. This measure, on our part, is merely defensive; but we think we have some reason to complain, if not of harshness, at least of a proceeding somewhat peremptory, in the *mode* of opening to us the West India colonial ports. They are opened to us, as I have shewn, upon terms which we had effectively rejected in negotiation, and which we could not possibly accept, without surrendering the whole navigation interest for which we have so long contended. They are

open to us, subject to a total interdiction of the commerce, at the discretion of the King, by an order in council, without an hour's notice to those of our citizens whose interest may be affected by it. There is also some obscurity in the phraseology of the 15th section of the act of Parliament of the 24th June, 1822, leaving us in doubt what the condition of our intercourse would be with any colony concerning which the prohibitory order in council might issue. It says that, on the contingency prescribed, it shall be lawful for the King, by order in council, *to prohibit trade and intercourse under the authority of this act* with any country, &c. And that, if such order in council shall issue "then, during the time that such order in council shall be in force, "*none* of the provisions of *this act*, either as *respects* the law herein "*repealed*, or to any other provisions of this act, shall apply, or be "taken to apply, to any country or State, the trade with which, under "the provisions of this act, shall be prohibited by any such order of "his Majesty in Council." But the provisions of this act, *as respects* the laws *repealed* in it, are no other than the *repeal* of them itself, and if, by virtue of the prohibitory order in council, *none* of the provisions of this act, *as respects* the laws *repealed* in it, shall apply, or be taken to apply, the conclusion would seem to be, that those laws would not be repealed; that is, that they would again revive and be in force, with regard to the country, the trade with which, "under the authority of this act," should be prohibited by the order in council. But some of these laws repealed, are laws authorizing trade and intercourse in vessels of the United States, with the colonies of Nova Scotia, New Brunswick, Bermuda, and the Bahama Islands; and if, by the prohibitory Order in Council, the provisions as respects those laws, in the act of 3d Geo. 4, ch. 44, should cease to apply, it would follow that the trade and intercourse under *them* would again be authorized, and its condition would be precisely the same as if that act of Parliament had not been made. All this would be very clear and unequivocal, but for the remaining part of the paragraph in the same 15th section of the act which says that, "if any goods, whatever, shall be imported from, "shipped for the purpose of being exported to, any such country "island in America or the West Indies, in any foreign ship or vessel, "after trade and intercourse therewith shall have been prohibited, "any such Order of His Majesty in Council, issued under the authority of this act," all such goods, with the ship or vessel, &c. shall be forfeited. Thus, the provisions of the section appear to be contradictory to themselves, and leave us in doubt, whether it was meant that the prohibitory Order in Council would revive and reinforce the free port acts repealed by the act of Parliament, or would operate a total interdiction of trade and intercourse, in our vessels, with the interdicted Colony.

You are authorized to renew to the British Government the proposal of continuing this intercourse in other respects, on the footing upon which it is placed by the acts of Parliament and the act of Congress, but with a removal of the discriminating duties on both sides, and particularly that the duties in the schedule C, of the act of Parliament

3 Geo. iv. ch. 44, and in the schedule B, of the act of 3 Geo. iv. ch. 119, on the part of Great Britain, and the foreign tonnage duty and additional impost upon British vessels, from the enumerated ports, on the part of the United States, should be mutually repealed. If this proposal should be accepted, it may be carried into effect by an act of Parliament, upon the passage of which, the President's Proclamation would immediately be issued; or it may be agreed upon by a convention, which you are hereby authorized to sign, and to transmit for ratification. A new full power is enclosed, to be used, if required. The act of Parliament, or the convention, should be explicit in the removal of all discriminating duties and charges, whether imposed by Parliament, or by Colonial laws, and it should apply to all the enumerated ports. Should the offer be declined, you will receive any proposition which may be made in its stead, for reference to this Government."

Mr. Stratford Canning to Mr. Adams.

The undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, referring to the third section of an act of Congress, approved the 1st of March, 1823, and entitled "An act to regulate the commercial intercourse between the United States and certain British Colonial ports," requests the American Secretary of State will do him the honor to afford him information of the exact *nature* and *scope* of the "proof" which is thereby required to enable the President to issue his proclamation for the repeal of the discriminating duties still levied on British vessels, entering from such ports of his Majesty's Colonies as are enumerated in the first section of the act.

The undersigned conceives, that, in his previous communications on this subject, he has already furnished abundant and satisfactory evidence of the intention of His Majesty's Government, long since carried into effect, to place American vessels on the same footing with British, in respect to the duties on import and tonnage, under the expectation of a strict reciprocity on the part of the United States; but, learning from the printed circular, addressed, on the 17th instant, to the collectors, by the Comptroller of the Treasury, in explanation of the act approved on the 1st, and but recently brought to his knowledge, that no authority has yet been given to dispense with the collection of alien duties on British vessels arriving from His Majesty's Colonies, the undersigned is desirous of knowing whether any, and what, further communication may be expected by the President, under the act now in force, as necessary to the execution of the third section, to the end that he may either at once remove any obstacle which it depends

on him to remove, or have it in his power to apprise his Government of the real state of the case in this particular.

The undersigned requests the Secretary of State to accept the assurance of his high consideration.

STRATFORD CANNING.

Washington, March 27th, 1823.

Hon. JOHN QUINCY ADAMS, *Secretary of State.*

Mr. Adams to Mr. Stratford Canning.

DEPARTMENT OF STATE,

Washington, April 8, 1823.

SIR: In answer to your note of the 27th ultimo, I have the honor of stating, that any authentic declaration from your Government, communicated either through the Minister of the United States in England, or through His Britannic Majesty's Minister, residing here, "that upon the vessels of the United States, admitted into the enumerated British colonial ports, and upon any goods, wares, or merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted, than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from *elsewhere,*" will be received by the President of the United States as the satisfactory proof required by the act to authorize him to issue his proclamation extending the reciprocal privileges offered, in the same third section, to British vessels and their cargoes coming from the enumerated ports to the United States.

In the communications hitherto received from you, on this subject, although "*the intention* of His Majesty's Government to place American vessels on the same footing with British, in respect to the *duties* on impost and tonnage," has been sufficiently manifested, they have fallen short of the proof required by the section of the act of Congress now referred to, inasmuch as they had not averred, either that no other or higher duties are levied in the enumerated ports, upon the goods, wares, or merchandise, imported therein, in American vessels, than upon the like articles imported from *elsewhere,* or that no other *charges* of any kind are levied upon the vessels of the United States and their cargoes, than upon British vessels and their cargoes; or, finally, that the intention of your Government, even in its most limited purport, has been *long since carried into effect,* in all the enumerated ports.

The act of Congress requires, that the reciprocity of *burdens* and *exemptions* should extend not only to the vessels, but to the articles imported in them. This has not hitherto been affirmed by you to be the intention of your Government. It is not doubted, that their intention has been to equalize the charges, but, it appears that, in some of the

enumerated ports, discriminating duties have continued to be levied to a very recent date; and express information has, but a few days since, been received at this Department, that a tonnage duty of two shillings and sixpence sterling, imposed by act of Parliament of 28th Geo. 3d, continued to be levied upon all vessels of the United States at Turk's Island, until the 23d of December last, several months after your communications, claiming, even before the meeting of Congress, a total removal of discriminating duties upon British vessels from the enumerated ports, on the ground that American vessels were admitted upon the same terms with British vessels into them.

The act of Parliament of 3d George 4th, chapter 44. appears to have given rise, in several of the enumerated ports, to questions with regard to its construction, and not to have received, in all, the same solution. As an experiment to open an intercourse before interdicted by the laws, both of Great Britain and the United States, its *intention* was received by this Government, with a cordial welcome and a sincere disposition to meet it, in the spirit of conciliation and of real reciprocity. But, for the regulation of the intercourse, as the consent of both parties was indispensable, so it was just and necessary that the interests of both parties, as understood by themselves, should be consulted. It seemed obvious that this could not be accomplished by mere legislation of either party.

An arrangement, by mutual understanding and concert, was proposed by this Government immediately after the act of Parliament of 24th June was made known here. Whatever is yet known of the operation of that act, and of the system of which it forms a part, has contributed to fortify this impression. An act of Parliament of 5th August, 1822, (3d George 4, chapter 119,) in particular, already bears upon the intercourse between an important portion of this Union and the contiguous British Provinces, with a pressure which has excited the attention of Congress, and which a resolution of the House of Representatives, at their last session, recommends to the Executive of the Union as a subject for immediate negotiation with Great Britain. I am directed by the President of the United States to make the proposal, and to request that you would make your Government acquainted with it. Should it prove acceptable, I shall be happy to confer with you upon it, with the view to the conclusion of a convention; or, if your Government should prefer to treat of it in England, the powers and instructions necessary for the purpose may be transmitted to the Minister of the United States at London.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The right Hon. STRATFORD CANNING,
Envoy Extraordinary and Minister Plenipotentiary, &c.

Mr. Stratford Canning to Mr. Adams.

WASHINGTON, *April* 10, 1828.

SIR: The declaration which you describe in your letter of the 8th inst. as requisite to authorize the President of the United States to issue his proclamation for the removal of all alien charges at present exacted on British vessels and their cargoes arriving from his Majesty's colonies, I am ready to give, insofar as regards the corresponding condition of the act of Congress, an extract of the third section of which you have done me the honor to communicate.

British and American vessels entering the colonial ports, under the act of Parliament passed on the 24th June, are subject to equal charges on every article imported under that act, whether in American or in British vessels, the same, if any, and no other charges, are levied. With respect to the succeeding clause of the same section, cited in your letter, relative to duties levied "upon the like goods, wares, and merchandise, imported into the said colonial ports from *elsewhere*," I must request that you will have the goodness to inform me of the precise meaning attached to the expression which I have underlined, as, in strictness of construction, these words seem capable of bearing a sense completely at variance with a principal provision of the above-mentioned act of Parliament, and one which it is, therefore, wholly out of my power to include in the proposed declaration. I might, perhaps, presume, that the term *elsewhere* was only meant to signify other places, not belonging to Great Britain, in America and the West Indies; but the bare possibility of a more comprehensive signification being attached to it, makes me desirous of ascertaining from you, in the first instance, whether I am right in giving it, exclusively, that interpretation, or, if not, in what more ample sense it is to be understood.

In answer to my previous representations on this subject, whether addressed to you before or during the late session of Congress, you informed me that the President was not at liberty to withdraw the discriminating duties on imports and tonnage, to which alone I adverted, in consequence of his not having received from Congress the authority necessary for that purpose. In proof, however, that the intention of his Majesty's Government, long since communicated to you, has also been long since carried into effect, I have only to mention, that a circular instruction, a copy of which is at this moment before me, was issued as early as the third of July, from the custom-house in London, to the collectors and comptrollers of the customs in his Majesty's colonial ports, directing them "not to charge any higher fees whatever, in respect of the trade allowed by the said act to be carried on in foreign vessels, than are now payable thereon in British vessels."

By what authority the tonnage duty of two shillings and sixpence, mentioned in your last letter, can possibly have been collected at Turk's Island, so late as the 23d of December, I am wholly at a loss to conceive, as, besides the operation of the custom-house circular, the act of Parliament, under which you state that duty to have been levied, was expressly repealed during the last session.

The remaining part of your letter must necessarily be left to the consideration of his Majesty's Government. It only occurs to me, at this moment, to submit whether some more definite statement of the points on which you have expressed the President's desire to negotiate, might not be attended with the advantage of leading to an earlier and more satisfactory decision respecting that proposal.

I avail myself of this opportunity to repeat to you, sir, the assurance of my perfect consideration.

STRATFORD CANNING.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Adams to Mr. S. Canning.

DEPARTMENT OF STATE,

Washington, 14 *May*, 1823.

SIR: I have the honor of informing you, that, by the third section of the act of Congress of the first of March last, "to regulate the commercial intercourse between the United States and certain British colonial Ports," the term *elsewhere*, is understood to be of meaning equivalent to *any where else*, and, of course, to include all places other than those from which the importations into those ports may be made in vessels of the United States.

The views of this Government, with regard to a regulation of this intercourse in future, by a convention, or by further concert between the two Governments, will, at an early day, be transmitted by instructions, to the Minister of the United States at London.

In the mean time, it is to be observed, that the circular instructions referred to in your letter of the tenth of last month, as having issued, on the third of July last, from the Custom House in London, to the collectors and comptrollers of the Customs in His Majesty's colonial ports, directing them "not to charge any higher *fees* whatever, in respect of the trade allowed by the said act to be carried on in foreign vessels, than are now payable thereon in British vessels," did not, as by the import of the terms it would seem that they could not, remove any existing discriminating duties or charges, other than the mere *fees* of the officers to whom they were addressed.

That other charges, and even *duties*, discriminating to the disadvantage of the vessels of the United States, have continued to be levied in several of the enumerated ports, until a late period, has been already shown; and, by the papers which you had the goodness to submit to my inspection only three days since, it appears that a discriminating tonnage duty is still levied upon the vessels of the United States in the ports of Nova Scotia, equal to two-thirds of the whole tonnage

duty which is paid in our ports by those British vessels, which are admitted upon the same footing with our own.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

The Right Hon. STRATFORD CANNING,
Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

Mr. S. Canning to Mr. Adams.

WASHINGTON, *May* 17, 1823.

SIR: In acknowledging your letter of the 14th instant, which I had the honor to receive the day before yesterday, I must be allowed to express my regret at finding that the declaration, expected by the American Government as a condition of the removal, on their part, of alien charges from British vessels entering the ports of the United States, from certain of his Majesty's possessions in North America and the West Indies, is meant to extend beyond the cessation of corresponding charges, as they affect the vessels of the United States in the open ports of the British Colonies; the term *elsewhere*, in the third section of the act of Congress to which you refer, being intended, as I understand from your letter, to include even the British Territories.

Such being the intention of the act, it is vain, for the present, to enter upon any discussion of the question which it involves; and it is altogether unnecessary to dwell upon the other points to which you have adverted, as this alone precludes, and necessarily precludes, my giving in a declaration, such as would prove satisfactory to the President.

Suffice it on this occasion, to observe, that the discriminating tonnage duty, which you describe as being still levied on the vessels of the United States, in the harbors of Nova Scotia, appears, from the papers which you cite, to be levied on the vessels of Great Britain also; and, further, that the limited acceptation in which you seem to understand the circular instruction issued from the Custom House in London, under date of the third of July last, is completely at variance with the statement which I had the honor to communicate to you as long ago as the 18th of December, on the authority of a letter dated 21st of October, from the Collector of the Customs at Kingston, in Jamaica.

I request, sir, that you will again accept the assurance of my high consideration.

STRATFORD CANNING.

To the Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Adams to Mr. Rush.

DEPARTMENT OF STATE,

Washington, June 26, 1823.

SIR: Upon the subject of the admission of Consuls of the United States into the ports of the British Colonies, which have been opened by the British acts of Parliament of 24th June, 1822, to a commercial intercourse with the United States, in the vessels of the latter, it appears by the note of Mr. George Canning to you, 29th November last, a copy of which was transmitted with your despatch, No. 281, that the British Government have consented to receive Consuls at one port of the Island of Jamaica, at one of the Leeward Islands, to be designated by the Government of the United States, and at one port in the North American Colonies; with an assurance that the British Government will reconsider the proposition which had been made by you, that Consuls should be admissible at *all* the ports opened to the intercourse, if any practical inconvenience should be shewn, on the part of the United States, to the limitation of the number of their Consuls to three for all the ports opened by the act of Parliament.

During the last session of Congress, Consuls were appointed, by and with the advice and consent of the Senate, for the Islands of Jamaica and St. Christopher's, and for the Colony of Demerara. The Commissions for the Consuls at St. Christopher's and at Demerara, are the *only* ones that have yet been issued. It was perfectly proper that your note, claiming the admission of Consuls into the enumerated ports, should extend the claim equally to them all: but, in advancing this claim, it was not the intention, nor is it the desire of this Government, to make appointments for them all: our consular system, as you are aware, allows no salaries to those officers, and their only emoluments arise from fees, levied upon actual trade, in the port where they reside. No appointment will, therefore, be made at any port where the services of the officer will not be needed. The person appointed as Consul at Jamaica has declined accepting the office, and another appointment will shortly be made for that Island. A certificate of Consular Commercial Agency has been given to John M. Kankey, for the Island of Barbadoes. At the next session of Congress, the President proposes to nominate the same, or another person, to the Senate, as Consul for that Island, which is one of those where there will probably be the most occasion for the office.

You will give notice of these circumstances to the British Government, and request that instructions may be sent to the Governor of Barbadoes, to allow the exercise of the ordinary Consular functions to Mr. Kankey, until the regular appointment of a Consul; and that, when a person so appointed shall present himself with a Commission, the Governor be authorized to recognize him in that capacity.

The suggestion in Mr. Canning's note that the admission of Consuls of the United States into the Colonial ports, is not considered by the British Government as a matter of mere reciprocity, because American Consuls are received in all ports of Great Britain, and the United States have no Colonies of their own, where a practical reciprocity could be exercised, as you have observed, admits of an easy answer.

The essential object of the Consular office is the protection of the commerce, merchants, and mariners, of one nation, in the ports of another. Wherever the commercial intercourse exists, the services of the Consular office may be required: and if British merchants and mariners, coming from the Colonies in the prosecution of the trade open to both nations, can avail themselves of the services of the British Consuls in the ports to which they come, we think it would be an entire denial of reciprocity to say that our merchants and seamen, pursuing the same trade, and going to the ports of the same Colonies, should be refused the benefit of like protection, from Consuls of their own country there. If a British trader from Jamaica can claim and receive protection from a British Consul at New York, it is needless to say there would be no reciprocity to the American trader to Jamaica, who should there be told that he might claim the protection of the American Consul at Liverpool.

It is presumed there will be no occasion for *discussing* this point with the British Government, and I have made the above remarks only to guard against the inference, that our claim to the admission of Consuls into the opened Colonial ports rests upon other grounds than *mere reciprocity*. But in the negotiation of a Convention, it may be proper to propose, at least, an article prescribing the *manner* in which the exequatur shall be furnished to Consuls generally—that they shall be delivered to them *gratis*, we have a right of strict reciprocity to claim, because they are so delivered to all British Consuls in the United States.

With this addition, you are authorized to propose the sixteenth article of the treaty of the 19th November, 1794, as a model, for one to be inserted in the Convention. But, as it reserves to the parties the right of excepting from the residence of Consuls, such *particular places* as each party shall judge proper to be so excepted, it may be necessary, if that clause should be retained, to reserve all the reciprocal right of excluding from the protection of the respective Consuls, all merchants, mariners, and vessels, of their country, coming from ports from which Consuls of the other nation are excluded.

We are not, indeed, tenacious of the insertion of *any* article relating to Consuls into the Convention; but, whether by Convention or otherwise, you will not fail to insist upon the claim of admission for our Consuls into all the opened ports, whence British vessels, merchants, and mariners, coming to our ports, may claim the protection of British Consuls here; and where, from the state of the trade, we may deem it useful to our citizens that a Consul of the United States should reside; and, also, that the exequaturs of all our Consuls in the

British dominions should henceforth be delivered without any charge or expense to them whatever.

The British Government may be assured, that we shall use the power of appointing Consuls to *any* of the opened ports for no improper purpose. But the right to Consular protection is one of the ordinary advantages of trade in foreign ports, which ought not to be denied to our countrymen in ports where they are admitted on the principles of reciprocal trade. The want of a Consul of the United States at the Island of Barbadoes, for instance, has been exemplified in a circumstance which has recently come to our knowledge. That Island was one of those from which Mr. S. Canning received, and communicated to me, a declaratory certificate, that vessels of the United States were liable to no other, or higher duties and fees, than British vessels coming from the United States. We are now informed, that a citizen of the United States, who went to Barbadoes with a cargo of flour, was compelled, in December last, to pay a duty of two per centum on the proceeds of the sales of his cargo, under the denomination of a transient tax, which no British subject would have been required to pay. We understand that the American himself would have escaped this tax, if his cargo had been consigned to an established commercial house in the Island. But it is one of the many modes of levying discriminating duties which cannot comport with the principle of real reciprocity. If a tax of two per centum is exacted from the foreign trader for the privilege of transacting his own business, which the native trader enjoys gratuitously, they are not upon terms of equal competition.

It is presumed, that, had there been at that time a Consul of the United States in the Island, this tax would have been remitted upon his representations. At least, he would have given notice to this Government of its existence. This circumstance, as well as the other fact recently disclosed and noticed in my letter of the 23d inst. that in Nova Scotia there is a deduction in favor of *the vessels* of *the* Province from the tonnage duty paid by *British* vessels, proves at once the necessity that we should have Consuls in the opened Colonial ports, and that of the most vigilant caution, in abandoning, on our part, all discriminating duties favorable to our own navigation in this trade. Whether this subject is to be regulated hereafter by Convention, or by corresponding acts of Parliament and of Congress, we are to understand explicitly, that, according to our view of removing all discriminations, the system must embrace the Colonial, as well as the Parliamentary legislation; and if, in any one Colony, the vessels or people of the Colony have advantages or preferences secured to them over other *British* vessels and subjects, it cannot be satisfactory to us to be placed on the same footing with the *British*, not of the Province. If the Provincial enjoys, at home, a discriminating advantage over the *Briton*, we cannot admit him here *as a Briton*, unless our vessels are also admitted into the Colony with the provincial privileges. All this is essential to real reciprocity, and to the removal of our foreign

tonnage and impost duty upon British vessels and cargoes coming from the opened Colonial ports for trade with the United States.

I am, with great respect, sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

P. S. The person appointed Consul for St. Christopher's and Antigua, is Robert M. Harrison, and that for Demarara, Edmund Roberts.

R. Rush, Esq.

Envoy Extraordinary and Minister Plenipotentiary, &c.

Extract of a letter from Mr. Rush to Mr. Adams, No. 10, *dated London, August* 12*th*, 1824.

My letter of the second of this month will have informed you that the negotiations in which I had so long been engaged with this Government had come to a close, but without any treaty, or other arrangement having been concluded, on any of the subjects which had been given in charge to me. This is a result which I should lament the more, did I not endeavor to reconcile myself to it by the reflection that I have earnestly, though fruitlessly, striven to render it more auspicious, and by the consideration, far more important, that, as several of the subjects discussed have been both of novelty and magnitude between the two nations, my Government will have the opportunity of being put in more full possession of the sentiments of this Government, prior to the conclusion, or to the proposal anew, of any definite or final stipulations. The task of reporting to you, for the information of the President, the whole progress of the negotiation, now devolves upon me. I enter upon it in the anxious hope that, whilst shunning a prolixity that might fatigue, I may nevertheless omit nothing necessary to a full understanding of all that has passed. I console myself with the recollection that the protocols, and other papers that will be transmitted to you, will mainly delineate every material occurrence. From these may be learned all the formal proposals that have been made on the one side or on the other; but the grounds of them, the discussions by which they were sustained or opposed, together with various explanations which the written memorials of the negotiation, wearing for the most part the character of abstracts only, do not indicate, these it becomes my duty to make you also acquainted with, in every essential particular. It must be my purpose to fulfil this duty in the course of the present despatch.

It was my first intention to have made my report to you in the shape of separate communications, allotting a distinct one to each subject, that I might be able to follow, in this respect, the example of your instructions to me. But, after the discussions were opened, it was often found impracticable to keep the subjects distinct. More

than one subject, or branches of more than one, would sometimes engage our conferences on the same day, superinducing the necessity of mixing them up in one and the same protocol. For this reason, and because, also, the British Plenipotentiaries, in some instances, established a connexion between subjects where, as I thought, none regularly had place, and so treated them in our records in the manner I shall have occasion to describe; it has appeared to me most conducive to good order to present the whole under one view. If this unity in my report should not appear at first sight to be suggested by a view of the diversity, as well as number of its subjects, it has seemed to me, upon the whole, to adapt itself best to the course which the negotiation actually took, both in the oral discussions, and in the entries upon the protocols; and that it will become most intelligible, whether in its incidents or its general spirit, when exhibited as a whole. In the hope that this mode of making up my report may meet your approbation, I proceed, without more of introduction, to its proper business.

1. After the Slave-trade question had been disposed of, the subject upon which we next entered was that of the commercial intercourse between the United States and the British Colonial ports in the West Indies and North America. Copious as this subject was found to be, when examined in all its details, its mere discussion, I mean the strictly commercial parts, was perhaps attended with less difficulty than that of some others. It had been familiar to the past and even recent discussions of the two Governments; so much so, that, upon almost every point connected with it, opinions had been formerly expressed by both. When, at an early stage, the British Plenipotentiaries said that, after the opening of this trade to the vessels of the United States, by the act of Parliament of the 24th of June, 1822, it had not been expected, by Great Britain, that our foreign tonnage duty and additional impost would have been continued to be levied upon their vessels, I naturally replied that, to whatever other observations the policy of the United States might be open in this respect, it could scarcely be said to have been unexpected, as, upon at least two occasions, since I had been their organ at this Court, they had expressly declined acceding by compact to the very terms in regard to this trade, that were afterwards moulded into the act of Parliament. Your instructions being precise and full upon this head, I caused them to be well understood. I recapitulated the history of the negotiations that led to the Convention of the 20th of October, 1818, in all those parts of it which had relation to the question of commercial intercourse. I presented the review of all the legislative acts or other measures affecting this intercourse, as well prior as subsequent to that Convention. On the side of Great Britain, the act of Parliament of July, 1812, the draft of the four articles submitted by Lord Castlereagh, in 1817, the act of Parliament of May, 1818, and the Order of Council which followed it on the 27th of the same month. On the side of the United States, the act of Congress of the 3d of March, 1815, (the legislative basis of their system of reciprocity,) the two acts, original

and supplementary, of April the 18th, 1818, and May 15th, 1820, concerning navigation; the act of May the 6th, 1822, with the President's proclamation of the 24th of August, founded upon that act: to all these I referred, in connection, also, with the second negotiation of June and September, 1819, when the proposals again made by the United States for regulating this intercourse by treaty, were again rejected by Great Britain. The deduction I maintained from the whole was, that the United States, with uniform consistency and steadiness, pursued a course in regard to this trade, which aimed at putting it upon a footing of entire reciprocity; that they asked nothing more, but, in justice to their citizens, could be satisfied with nothing less.

To work out this reciprocity seemed, however, not to be an easy task, I remarked, on the side of Great Britain, whatever might be her desire. Her commercial system was of long standing, and, from its great extent, often, in no slight degree, complicated and intricate. It was marked not only by a diversity in its operations upon her home and colonial empire, but by subdivided diversities in its application to her Colonies. In some of her West India Islands, for example, there were export duties; in others, none. Some had port charges, and various other local charges, operating upon vessels or their cargoes, not recognized in others; but, what was more important than all, her ancient navigation acts still remained substantially in force, mingling their fetters with all her modern legislation upon the same subject. Her commercial and navigating system, whatever other recommendations it might possess in her eyes, had been rendered by time and her past policy deficient in the uniformity and simplicity calculated to place it, in these respects at least, upon a par with the commercial and navigating system of the United States. This broad distinction between the two countries was always necessary to be kept in mind, I said, in their commercial dealings, and, whatever explanation or excuse it might furnish to Great Britain for continuing the pursuit of a course which still moved, in many points, in subordination to her ancient policy, it afforded to the United States neither motive nor justification for giving up their claim to the principle of an absolute and perfect equality, in all their regulations of trade with Great Britain.

This brought me to the true nature of the act of Parliament of the 24th June, 1822. I explained to the British Plenipotentiaries, that this statute had not, whatever might have been its intention, opened the ports of the British colonies in the West Indies and America, to the vessels of the United States, upon the same terms as were enjoyed by British vessels. The privileges granted by it to vessels of the United States were, that they might carry directly, but in no other way, from some port of the United States to certain specified colonial ports, certain specified articles of merchandise, whilst very high duties were to be paid on all such of those articles, as could alone be the subjects of a profitable trade. British vessels, on the other hand, possessed the additional and exclusive privilege of carrying the same

articles to the same colonial ports, directly or indirectly, and free from all duty whatever, when carried from a British colony in North America, to a British colony in the West Indies. Moreover, I observed, the vessels of the United States, admitted only as above to the colonial ports, were obliged, supposing they contained a cargo, to return directly to the United States, and to give bond, under a heavy penalty, for landing it at the port for which it was entered, with the additional burden, not imposed by the act of Parliament, but existing in fact, of paying a colonial export duty of four or five per cent. upon the value of this return cargo. This burden did not fall equally upon British vessels, as they might avoid it by going, which they were free to do, to any port of the British dominions, either in Europe or America, a range not allowed to the vessels of the United States. Nor, were the British vessels required to give any export bond for landing the articles at the port for which entered, and producing within twelve months a certificate of this fact, a condition which was also attached to American vessels. It was evident, I insisted, from the foregoing recapitulation, that vessels of the United States had not the same privilege under this act of Parliament with British vessels, and that the former were, also, subject to restrictions, imposed by the act, or otherwise existing, from which the latter were exempt.

I reminded the British Plenipotentiaries, however, that no sooner had the knowledge of this act of Parliament reached the United States, than the President, exercising, without the least delay, the authority with which by anticipation he had been invested, issued his proclamation, of the 24th of August, 1822, opening the ports of the United States, *generally*, to British vessels coming from any of the ports *enumerated* in the British act, an exercise of authority in a high degree liberal, considering the relative state of the statutes of the two countries then in force, for the regulation of this trade. In other respects, the proclamation of the President had done nothing more, I said, than lay British vessels, coming from the colonies to the United States, under the same restrictions in regard to their cargoes, to which vessels of the United States were subject, when going to the colonies. This, in necessary justice to the United States, it was obliged to do, and, by the permanent laws of the Union, British vessels continued liable to the charge of foreign tonnage and impost duties. I explained to the British Plenipotentiaries that, if neither the proclamation nor the permanent laws of the Union imposed burdens upon British vessels and their cargoes, which were the specific counterparts of those imposed by the act of Parliament, of the 24th of June, 1822, upon American vessels, they were, nevertheless, the necessary counterparts of the burdens which did, in point of fact, exist as against American vessels. To their owners it mattered not whence these burdens originated, so long as they continued to press unequally in the competition of American with British vessels. It was to complete the intention of meeting these burdens, upon a basis of reciprocity at all points, that the act of Congress of the first of March, 1823, was finally, and on full deliberation, passed. Its express object I

described to be, to countervail all restrictions, of whatever kind they might be, in actual operation against vessels of the United States, whether enacted by the act of 24th June, 1822, in force under the old navigation act of Charles the Second, or recognized and permitted by colonial ordinances or local regulations, in any of the British ports that had been opened. As this act of Congress could not effectuate its just object, by applying to British vessels restrictions, which were of the precise and corresponding nature with those operating against the vessels of the United States, it adopted, I said, such as were analagous to them, without, however, in any instance, going beyond the measure of a necessary retaliation, but rather keeping within, than exceeding this limit. The act of Parliament had, it was true, proceeded upon the hypothesis of extending like privileges to American as to British vessels; but, here it had stopped, without imposing upon the latter the same restrictions which had previously existed against the former. The act of Congress went further, and, in according the like privileges with the British act, imposed also restrictions equivalent to those that were really and injuriously in force, against the vessels of the United States.

It was in this manner, that I fully opened to the British Plenipotentiaries the principles and views of my Government, in relation to this interest. If I am not more minute in recounting all that I said, it is merely because I abstain from swelling this communication, by a repetition of the principles, the facts, and the arguments, contained in your despatch to me, of the 23d of June, 1823. With the various matter of this despatch, I had made myself familiar, by frequent perusals of it, and, it was alike my duty and my endeavor, to exhibit it all to the British Plenipotentiaries, in the most perspicuous and impressive ways in my power. I went on to remark, that it seemed plain, notwithstanding our countervailing restrictions, that we were still left at a disadvantage in the competition; for that, for an enumerated list of ports open to our vessels, only part of which too had been opened by the act of Parliament of the 24th June, 1822, we had opened all of our ports, in return, to British vessels. For an enumerated list of articles, which we were alone allowed to export to the colonies, we received, in return, all articles which the colonies found it most to their interest to send to us; and, for a duty of ten per cent. on our articles imported into the West Indies, and of four or five per cent. on those that we brought away, our laws did nothing more than retain a foreign tonnage duty, of less than a dollar per ton on British vessels, and of ten per cent. on the duty otherwise chargeable on the articles brought to the United States in them. It was even doubtful, I said, whether, under these circumstances, our vessels would be able to continue the trade, and it was perhaps quite as much so, whether the double system of restrictions upon which it stood, would not deprive it of all value to both countries. I used, under this branch of the subject, all the topics of illustration with which your despatch had supplied me.

The British order in Council of the seventeenth of July, 1823, laying a duty of four shillings and three pence sterling per ton on our

vessels going to the Colonial ports, to countervail. as Mr. Secretary Canning informed me in October last, our foreign tonnage duty, having been subsequent in date to your instructions to me, no remarks upon it were, consequently, embraced in them. But I considered the duty imposed by this order open to the same animadversions as all the other burdens falling upon our vessels. If we had grounds for complaint before this measure, they were but increased by it. If we were deprived of the opportunity of fair competition in the absence of this new duty, its imposition could not but augment the inequality. If we were carrying on the trade under every prospect of disadvantage without it, a more positive and certain loss to us must be the result if it were continued. Hence, I did not scruple to say to the British Plenipotentiaries, that it must be considered as giving additional force to all our other objections to their regulations. I had not, I admitted, and from the cause stated, received your instructions upon the subject of it; but, as our foreign tonnage duty and the additional impost had been kept up against British vessels in necessary self-defence against all the anterior restrictions upon our vessels and duties upon their cargoes, I took it for granted that this new British duty, if not abrogated, would, on the same principles and from the same necessity, be met by some measure of counteraction on our side. In offering such comments as these upon it, I trust that they will be thought conformable to the true nature and objects of your instructions, though not in words pointed out by them.

In the end I offered, for the entire and satisfactory regulation of this trade, a draft of the two articles (marked A,) annexed to the protocol of the third conference. The first of these articles, after reciting the restrictions upon the trade that existed on each side, and the desire and intention that prevailed of removing them. goes on to provide, that, upon the vessels of the United States admitted by law into the Colonial ports, and upon the merchandise imported in them. no other duties, or charges of any kind, should be levied than upon British vessels, *including all vessels of the Colonies themselves*, or upon the like merchandise imported into the Colonial ports from any other port or place, *including Great Britain and the Colonial ports themselves.* And, reciprocally, that upon the vessels of Great Britain, admitted by law into the ports of the United States, and upon the merchandise imported in them, no other duties or charges of any kind should be levied than upon vessels of the United States, *including vessels of each and every one of the States*, or upon the like merchandise imported into the United States from any other port or place whatever. The words last underscored were inserted only for the greater satisfaction of the British Plenipotentiaries, it being explained by me, and so understood by them, that it could carry no new meaning; there being no such thing under our system with foreign nations. as a vessel of any one of the States distinct from a vessel of the United States. It followed that the passage would have had the same meaning without these words. The second article provided, in fulfilment of the intentions of the first, that the trade should continue upon the footing on

which it had been placed by the laws of the two countries, with the exception of the removal by Great Britain of the duties specified in schedule C, of the act of Parliament of the 24th of June, 1822, and those specified in the schedule B, of the act of the fifth of August of the same year, and of the removal, by the United States, of the foreign tonnage duty and additional impost, complained of by Great Britain. The article concluded with a mutual pledge for the removal of all discriminating duties on either side, of whatever kind they might be, from the desire which operated with the parties, of placing the trade in all respects upon a footing of perfect equality. Such was the nature of my proposals, for the more exact terms of which I beg to refer to the paper which contains them.

The British Plenipotentiaries made immediate, and the most decided objections to the part of these proposals which went to the abolition of the duties in the two schedules indicated. They declared that under no circumstances could they accede to such a principle; and they proceeded to assail it under every form. The fundamental error of their reasoning, as always heretofore upon the same point, appeared to me to lie in considering their Colonial possessions as part of the entire British dominion at one time, yet treating them as separate countries at another. For her own purposes, Britain could look upon these Colonies as on one and the same country with herself. For the purposes of trade with foreign States, she felt herself at liberty to consider them as detached from herself and forming a new and distinct country, as moving, in short, within a commercial orbit wholly of their own. It was to this that her rule, resolved into its true principles, came at last. However such a rule might be met, and its application admitted, as between foreign States mutually possessing colonies, and therefore mutually able, in their commercial intercourse with each other, to act upon it, its application was manifestly unequal and incongruous towards the United States. Possessing no colonies themselves, the United States neither legislated nor acted upon a principle of subdividing their empire for any purpose of commercial advantage, or, above all, monopoly, with other nations, but held out indiscriminately to all, one integral and undivided system. In strict justice, it would, hence, not be unreasonable in them to expect that all nations, with which they entered into commercial stipulations, should look upon their colonies, if they had any, only in the light of an extension of the territories and jurisdiction of the parent State. since this was, in effect, the aspect which the United States presented throughout the whole extent of their territories and jurisdiction to all foreign nations. The productions of Massachusetts, for example, which entered into the articles of international traffic, were, as compared with those of Louisiana, scarcely less different in their nature than were those of Britain from those of Jamaica: yet one commercial code spread itself over the whole of the United States; of which foreign nations, and Britain amongst them, had the benefit, whilst different commercial codes, and entangling commercial practices under them, were seen to exist on the part of Britain. This resulted from the mere fact, im-

portant it might be to Britain, but indifferent to the United States, of these codes and these practices being applicable to the Government of different portions of the British Empire; some of which fell under the denomination of her Home dominion, and some of her Colonial dominion.

It was to no effective purpose, however, that I enlarged upon, and endeavored to enforce, by placing in other lights the foregoing distinctions. The British Plenipotentiaries continued to combat my positions, and to insist upon their right to lay whatever duties they deemed expedient upon our productions going to their islands, in protection of the like articles exported to them from any part of their own dominion. They said that they would never part with this right, for which we offered them no equivalent concession. They likened our request for its surrender by an analogy, the force of which I could never see, to a request on the side of Great Britain, should she prefer such a request, to be admitted into a participation of our coasting trade. They alleged also, that, in laying these duties, they had aimed only at making them a necessary protection to their own subjects in their North American colonies; and that they were scarcely up to this point was shown by the fact which they also alleged, of their subjects in those colonies not having yet been able, since the trade was opened, to obtain a proportionate share of it.

I had, more than once, occasion to remark, that it was not *the right* of either party to model its own laws as it thought proper, that we were discussing; it was the *terms* upon which it would be best to do so that we ought rather to be desirous of settling. Here were certain colonies belonging to Great Britain on the continent of North America. It happened that some of them were in the immediate neighborhood of the United States. Their course of industry was the same, their productions the same. If the live stock and lumber from one of these colonies, from that of New Brunswick for example, were allowed to be imported into Antigua or St. Christopher's, duty free, whilst similar articles from the State of Maine, bordering upon New Brunswick, labored under a duty of ten per cent. on their importation into the same islands was not, I asked, all just competition at an end? Still more was this the case, I remarked, if, after disposing of their cargoes, the vessel from New Brunswick could take in a return cargo, absolved from an export duty, and was, moreover, left at liberty to take advantage of circumstances by trading from colony to colony, whilst the vessel from Maine was obliged to depart in ballast, or, if she took in a cargo, do so subject to the export duty. How, too, under the weight of this latter duty, were the articles upon which it was charged to bear up in the markets of the United States against the competition of similar articles found in their markets, partly of their own produce, and partly derived from islands in the West Indies, other than those belonging to Great Britain. It was thus, that I endeavored to establish the reasonableness of our complaints, and to recommend our proposals to adoption. I admitted the general right which every nation had to foster the industry of its own subjects, preferably to that of

strangers, but controverted its justice or expediency, as applicable to this trade, a trade that was anomalous in many points, and to be judged of and regulated, not so much on any general theory, as under an impartial view of all the peculiarities that belong to it. As to the expression "from elsewhere," introduced into the act of Congress of the 1st March, 1823, I insisted upon the propriety of giving it a construction that would include the British Colonies themselves as well as foreign countries, the only construction that ever could satisfy the United States, because the only one that could ever be equitable. Without it a reciprocity in words might exist; but there would be none in fact. There was obviously no foreign nation, except the United States, that supplied the British West Indies with the articles in which a traffic had been opened. To say, therefore, that they should be imported into the British islands, subject to no higher duties than were levied on articles of the same kind coming from any other foreign country, would be altogether unmeaning. The field of competition was exclusively in the North American Colonies of Britain. These, by their position and all their local peculiarities, were fairly to be considered as another country, in the estimate of this trade, though they were, it was true, in political subjection to Great Britain. Their being dependencies, altered not those physical and geographical characteristics in them, which made them the rivals in this intercourse, and the only rivals of the United States.

The British Plenipotentiaries yielded to none of this reasoning. They admitted that there were many difficulties in the way of a satisfactory adjustment of the shipping question, and of this intercourse generally, between Great Britain and the United States. These difficulties were partly colonial, partly the result of their old navigation laws, and partly springing from the nature of the British North American trade, which bore so close an affinity to some portion of the trade of the United States. But they continued to declare their determination not to admit the productions of the United States into their islands, upon the same footing with the like productions from other colonies of their own; and they reiterated their allegations, that even, under the present duties on our productions, the trade was in our favor. They argued hence, that the amount of the duties, instead of being too high, seemed insufficient thus far, taken on a general scale, to balance the advantage of our proximity to the West Indies, and of the greater extent and productiveness of our soil. On this head they gave me details. They said that, by their latest accounts, full two-thirds of the flour and lumber sent to their islands from North America, were ascertained to have been of the produce of the United States, and that perhaps seven-eighths of this quantity were conveyed in vessels of the United States. On the return trade, also, they declared that our vessels had a share not much below the same proportion. To these statements, I could only reply, that my impressions were different. That it was true I was in possession of no returns subsequent to June, 1823, but, that up to that period, my information justified me in believing that the trade had not yielded a fair propor-

tion of gain to our merchants. The British Plenipotentiaries dwelt emphatically upon the circumstance of our vessels taking away specie from their islands, in place of a return cargo in the produce of the islands, as indicative of the trade being against the islands, since it left upon their hands their rum and molasses, articles which they were chiefly anxious should find a market in the United States. If it were the export duty that produced this necessity in our vessels to take payment in money for their cargoes, rather than in the produce of the islands, the Plenipotentiaries said that they could not repeal it, because it applied equally to British vessels. It was a duty of four and a half per cent. existing on the exportation of produce, not in all of the islands, but in some of them, viz: in Antigua, St. Christopher's, Montserat, Barbadoes, Nevis, and the Virgin Islands. In the latter, it was granted for the benefit of the crown, in 1774. In most or all of the others it had existed, for the same purpose, as far back as 1668. British vessels paid it, they said, when going from these islands, whether their destination was the mother country, or any foreign country. But I did not understand them to say that it was paid if they went only from colony to colony.

To the objection of only a limited number of ports being open to our vessels, they said that they admitted them wherever custom houses were established; and that the privilege reserved to British vessels, of going from colony to colony, was only the privilege of letting them enjoy their own coasting trade. They seemed to forget that, by whatever name this privilege went, it was still one which operated against the competition of vessels of the United States. On the non-admission into their islands of articles that we desired to send, as, for example, salt fish, beef, pork—these, they said, were also excluded from the direct trade between Great Britain and the United States, including all other foreign countries. Here, too, they seemed to throw out of mind, that this very exclusion, in whatever principle it originated, still operated against the commerce of the United States: for, that a system of positive exclusion formed no part of the regular or permanent system of the United States, and was, therefore, one of which, as long as they dealt out a different measure of commercial benefit to other nations, they had good grounds to complain.

I am saved the necessity of recapitulating, any further, the remarks of the British Plenipotentiaries upon our proposals, from their having furnished me with a summary of them in writing. This was not in the regular course of our proceedings, and the paper not being considered as an official one, was not annexed to any protocol, or referred to in any. It was merely given to me as an informal memorandum, in which light I was willing and glad to receive it, as it protects me from all risk of not doing justice in my report to their representations. It will be found among the enclosures, marked W.

After all that I have said, it may be almost superfluous to state, that this Government will decline abrogating the tonnage duty of four shillings and three pence sterling imposed upon our vessels, by the order in council, of July, 1823. Mr. Huskisson expressly brought

this subject before the House of Commons, in the course of the last session of Parliament, with a view to give full validity to that order, doubts having arisen how far it was justifiable by the provisions of the act of Parliament, of the preceding session, on which it was founded. By this act, a general power had been given to the King, in council, to impose countervailing duties on the cargoes of foreign vessels, but not upon their tonnage. It was under this act that the order of July, 1823, affecting the tonnage of our vessels, passed; and Mr. Huskisson obtained, at the last session, a new act for indemnifying all persons concerned in executing this order, which, though out of the words, was conceived to be within the objects of the first act. A copy of the last act is enclosed. The two acts taken together now give to the King and Council, a permanent power to meet other nations on the ground of reciprocity in duties, both as to vessels and cargoes. To this ground Prussia has acceded, by a treaty concluded with this Government in April last, a printed copy of which I enclose, that its terms may be seen. Denmark has done the same, by a treaty concluded in June. The latter is not published as yet, but I have reason to know that its terms are the same as those of the treaty with Prussia. It does not include the colonies of Denmark, nor, of course, those of Britain, standing, in this respect, upon the footing of our Commercial Convention with Britain of 1815. Prussia having no colonies, her treaty, as far as there will be room for its operation at all, necessarily stands upon the same footing. Among the colonies of Denmark are comprehended Greenland, Iceland, and the Feroe Islands, which are enumerated as such in the treaty. It is understood that Sweden has shown a disposition to come into this reciprocity, and that there are pending negotiations between this Government and that of the Netherlands to the same effect.

After the British Plenipotentiaries had finished all their remarks upon our proposals, I thought it best, seeing that they had not proved acceptable to invite others from them, in turn, to be taken for reference to my Government. These they afforded me; and they are annexed, marked L, to the protocol of the sixteenth conference. The first article, after reciting the desire of both parties to abolish, reciprocally, all discriminating duties in this trade, proceeds to effect this purpose, after the British understanding of it. It pledges Great Britain to lay no higher duties on our produce, than upon produce of the same kind, imported not from *elsewhere*, or from any other country, but from any other *foreign* country; using here the very term to which, in both the former negotiations, we had objected at large. The same term has place in the part of the article intended to operate against Great Britain, as she only claims, in sending her colonial produce to the United States, that it shall be received, subject to the same duties as are paid on articles of the same kind, when imported into the United States, from any other *foreign* country. To this correlative provision, the British Plenipotentiaries referred, as illustrative of the true idea of reciprocity. I again insisted upon its manifesting the very reverse. It was palpable, that the term had a real sub-

stantive meaning in the one case, but might as well be omitted in the other. Like produce with that sent to the British Islands from the United States, the Islands obtained, as we had seen, from no other foreign country, but only from the British possessions in North America; whereas the United States *did* receive from Cuba, from St. Domingo, and from other foreign islands and countries, the same kind of produce as that yielded in the British Islands. Surely, then, Great Britain would be benefited by the operation of the term, whilst to the United States it must be nugatory. There was a visible sphere within which it would act in the one case, whilst, in the other, there was no shadow of foundation upon which it could rest. But I was always unsuccessful in obtaining, from the British Plenipotentiaries, the admissions due to us on this cardinal principle. Their second article provides for the actual abolition, subject of course to the foregoing reservation, of all discriminating duties or charges of every kind, whether on the vessels or cargoes of the two Powers. The third contains a stipulation, that, in case the trade should prove, on trial, unduly advantageous to one of the parties, the other will examine in a proper spirit the complaint; and, on its being substantiated, adopt measures in unison with the true principles on which the parties intended to fix it. The fourth provides, that whatever advantages Great Britain may in future extend to any friendly State in Europe or America, with respect to this trade, shall be common to the United States; and that the United States shall extend to Great Britain whatever advantages they may, at any time, grant to the most favored State, in any trade carried on between the possessions of such State, in the West Indies or America, and the United States. The fifth and last article provides, *in consideration of the foregoing arrangements*, that consuls shall be admitted from the United States into the open colonial ports, and received on the same conditions as are stipulated in the fourth article of the Convention of July, 1815. Upon this last article I shall have occasion to remark in another part of my communications. The others I leave, including the fourth, upon the remarks already made. The fourth, it is evident, still keeps to the British principle of considering their colonies as equivalent, of themselves, to the whole of the United States, in the arrangements of this trade. During the pendency of the negotiation, I received a letter, which seemed to me to be of importance, from Mr. Kankey, our consular commercial agent at the Island of Barbadoes. He informed me that, under directions which had been recently given to the Collector and Comptroller of the Customs of that Island, by the Lords Commissioners of the Treasury, vessels of the United States were permitted to land there a portion of their cargoes, and to carry the remainder elsewhere, if entered for exportation, paying the import duty only on so much as was landed. This regulation, he added, would be of service to our trade, provided the necessity of paying the tonnage money of four shillings and three pence sterling per ton, at more than one of the colonial ports, during the same voyage, could be avoided; and he appealed to me to have this effected. I immediately brought the subject before the British Ple-

nipotentiaries, urging the right of our vessels to an exemption from all such double payments on the ground of British vessels never being subject to double payments of tonnage duty in the United States, during the same voyage, though they did proceed from port to port. I was asked if I had any instructions from my Government upon this point. I replied that I had not; but that I was confident in my belief, that, under our laws, the fact could not be otherwise than as I had stated it. Mr. Huskisson then said, that he would obtain the sanction of this Government for placing our vessels in the West Indies upon the same footing, in this respect, upon which British vessels were placed in the United States; and would undertake, in his official capacity of President of the Board of Trade, to see that the necessary orders were forthwith issued for the accomplishment of this object. Mr. Kankey made another representation to me, which I also brought before the British Plenipotentiaries, as pertinent to the business in which we were engaged. He stated, that an improper duty was charged at Barbadoes, on the article of biscuit, when imported in barrels from the United States, a repeal of which he had not been able to effect, by remonstrating with the Collector. This article, when intended for a foreign market, is packed in barrels, such as are used to hold flour, and seldom contain, it appears, more than eighty pounds weight. But, without any reference to the weight, the collector was in the habit of demanding, on every such barrel of biscuit (the cracker) landed at Barbadoes, a duty of two shillings and sixpence sterling, when by the true construction of the act of Parliament of the 24th of June, 1822, under which the duty arose, it was believed that only *one shilling and sixpence per hundred weight* ought ever to be charged. Of this heavy overcharge on a single article, which the exporters of the Middle States were constantly sending to the British Islands, I complained in the terms that Mr. Kankey's representation to me warranted. Mr. Huskisson gave me an immediate assurance that my complaint should be attended to. He subsequently informed me, that, in consequence of it, the officers of the customs, generally, in the islands, had been directed, in all cases where such biscuit was imported from the United States, in barrels, weighing less than one hundred and ninety-six pounds, to charge the duty by the weight, and at the rate of not more than one shilling and sixpence sterling per hundred weight. I am happy to think, that, in at least these two instances, some portion of immediate relief is likely to be extended to our trade in that quarter.

From Mr. Monroe Harrison, the Consul of the United States at Antigua, I also received a communication, whilst our proceedings were going on, of which I apprized the Plenipotentiaries of this Government. He informed that our citizens, trading to that island, being often compelled to sell their cargoes on a credit, payable in produce when the crops came in, found it convenient, if not sometimes necessary, to make another voyage to the West Indies, in order to recover the proceeds of their cargoes so disposed of. The markets in the French, and other islands, being often better than in the British

islands, our citizens, in the predicament stated, would find it, Mr. Harrison remarked, to their advantage, to be able to resort to the former islands in the first instance; but this object they were precluded from coupling with that of afterwards calling at the British islands for the collection of their debts in the produce of them, since, should they only touch at the British islands, having on board any article other than of the produce of the United States, their vessels became liable to seizure. I did not receive from the British Plenipotentiaries the same attention to this representation that was shown in the other cases; nor, under my present lights, did I feel altogether warranted in pressing it upon the same grounds. They informed me, in the course of our conversation upon it, that there was no objection, under the British regulations, to a vessel of the United States, bound from one of our ports to any island in the West Indies, other than British, afterwards proceeding from such other island to a British island, with the whole or part of her cargo, provided it had not been landed at any intermediate port, and that there had been no change in the property during the voyage. I presume that those of our citizens who are interested in knowing it, are acquainted with this construction of the British laws; which, however, does not present itself to my mind in the light of any important boon.

Admission of Consuls of the United States into the British Colonial Ports. My report upon this subject will be shortened by the communications which I have already had the honor to address to you at former periods, in relation to it. I allude more particularly to my despatches, numbered 343, and 352, of November and December, 1823, and to my official note to Mr. Secretary Canning, of the 17th of November, 1823. In that note, written after I had received your despatch of the 26th of June, 1823, I found it necessary to execute, in a great degree, the instructions which your despatch contained. This Government, during the negotiation, as well as when the correspondence above alluded to took place, always considered the subject of appointing consuls, to reside in their Colonies, as connected with that of the commercial intercourse generally; and here I agreed that the connection was a natural one. It was evident that, but for the opening of the Colonial ports to our trade, we should not have asked for the privilege of appointing Consuls to reside at them: and if, by any circumstances, they were again to be closed, it was equally evident that our claim to consular representation would be at an end.

The consular appointments made by the President for Jamaica, St. Christopher's, and Antigua, Demerara and Barbadoes, had been sufficiently explained and justified to this Government in the course of my communications above mentioned, in conjunction also with my number 349, which covered another official note from me to Mr. Canning upon the same subject. Nevertheless, I did not omit to bring before the British Plenipotentiaries all the circumstances of this correspondence. They were particularly pertinent to our discussions on the question of commercial intercourse, which had hinged so entirely

on the point of reciprocity, and throughout the whole course of which it had been the aim of each party to exonerate itself from any charge of deficiency in this important point, if not to fix that charge upon the other. I remarked upon the fact of our trade to the opened Colonial ports having now continued for two years without a single consul on the part of the United States having, to this day, been recognized in any one of them, though at least three of those who had gone there and presented themselves for recognition, had been appointed under the previous and express consent of his Majesty's Government; whilst, on the other hand, during the whole of this period, the British trade from those ports had been receiving full consular protection from the consuls of Great Britain in the ports of the United States. In this, at least, it must be admitted, there was no reciprocity. Nor was the absence of it cause of mere nominal complaint on the part of the United States. And here I brought into view, from your despatch of the 26th of June, 1823, the practical inconveniences, especially in the Island of Barbadoes, to which our trade had been subjected, in the opened ports, on occasions which probably would not have occurred, had consuls from the United States been residing there. The British Plenipotentiaries met this complaint in the manner their Government had formerly done. They said that when their consent had been given for appointing consuls at three of the Colonial ports, it had been given under an expectation by Great Britain that the United States would carry on the trade, on terms that were reciprocal; but that afterwards, finding the terms to be such as Great Britain did not consider reciprocal, she forebore to perfect the appointments until the issue could be known, apprehending that the effect of new retaliatory measures on either side, would soon be, to put an end to the trade altogether. I rejoined, that, whatever motive deemed by herself sufficient, though not so regarded by the United States, Britain might allege for her course of conduct in this particular, it did not destroy the broad fact, or lessen the evils arising from it, of Britain having enjoyed the advantage, during the two years of this trade, of full consular representation in the ports of the United States, whilst the United States had enjoyed none in the British ports.

On the principal question of the claim of the United States, to appoint consuls for the Colonial ports, I took the ground which you had laid before me, and heretofore maintained in my note to Mr. Secretary Canning, of November the 17th, 1823, as well as in the one which I first of all addressed to him on this subject, on the 17th of October, 1822: namely, that our claim extended, not to any specified number of the Colonial ports, but to all, without exception, that had been opened by the act of Parliament of the 24th of June, 1822. This was the ground which I pressed upon the attention of the British Plenipotentiaries. It was the only ground, I said, which in the true sense of reciprocity, and therefore in the true sense of justice, could be supposed to be satisfactory to the United States. As they gave all, so it was reasonable that they should ask all. The United States excepted none of their ports to which the British Colonial vessels resorted,

from the residence of British consuls, and had a fair right to expect that none of the Colonial ports to which American vessels resorted, would be excepted from the residence of American consuls. Consular protection was an incident of trade which the United States did not feel at liberty to forego in behalf of their citizens, so long as they allowed it to be enjoyed in their ports, without limit or exception, by the subjects of Britain. It satisfied neither the real, nor even the verbal meaning of the term reciprocity, in this discussion, to say, that the residence of British consuls in the ports of the United States was matched by the residence of American consuls in the ports of Great Britain, in Europe. It was palpable that if a British ship, whether arriving from Liverpool or Barbadoes, received consular protection at New York, and an American ship received it at Liverpool, but not at Barbadoes, there was no reciprocity in fact, whatever artificial reasons might justify Britain to herself, in distinguishing, in this respect too, her Colonial from her Home dominion. The only true match to the privilege on the one side, would be the extension of it to all the ports that were open, whether Home or Colonial, on the other.

The United States, I continued, in claiming to appoint consuls for all the Colonial ports, meant not to make an unreasonable use of the privilege, and so I was instructed to declare. But the privilege of selecting the ports must rest, I said, exclusively with the United States. Their consular system did not recognize any fixed emoluments as the standard of remuneration for their consuls, but left it to depend upon the fees produced by trade. Hence, in the ports to which trade flowed, consuls were necessary, and to those where there was none, it was not to be supposed they would be sent, or so much as consent to go. But as the channels of trade were liable to shift, there was a manifest convenience and propriety on this, and all other accounts, in leaving the selection of the ports to the sound discretion of the appointing Power. Such were my remarks upon this subject, in addition to those that I formerly made, orally and in writing, to Mr. Canning. I did not, in conclusion, offer any formal article in relation to it; first, because I thought it unnecessary, after the aspect which the negotiation had assumed on the primary question of the commercial intercourse itself; and, secondly, because I had been informed, in your instructions, that the President was not tenacious of any article relating to consuls being inserted in a commercial convention, if one had been formed. But I gave the British plenipotentiaries fully to understand the true nature of our claim, and that it would not in any wise fall short of the privilege of appointing for all the opened ports.

They consented, substantially, to this principle, as will be seen by the protocol of the twenty-fourth conference. Their expression in it, that they saw no objection to the admission of our consuls into their colonies, "subject to the usual exceptions and reservations," means that both parties were to be considered as reserving to themselves the privilege of excepting, from the residence of consuls, such particular places as they might think proper. This they explained

to be their meaning. The same reservation had place in the sixteenth article of the treaty of the nineteenth of November, 1794; which was pointed out to me, by you, as the model of an article, on the present occasion, had one been framed. It also exists in the fourth article of the commercial convention of the third of July, 1815; which article is indicated by the British plenipotentiaries, as the model, in the fifth article of their own counter-projet, annexed to the protocol of the sixteenth conference. The two articles on this subject, in the treaty of 1794, and in that of 1815, are so much alike, that they might be adopted, indiscriminately, as models; the latter being a copy, with only slight variations, from the former. In my note to Mr. Canning, of the 17th of November, 1823, I had reminded him, that, in case Great Britain excluded American consuls from the ports of the colonies, the United States would have to reserve the right of excluding from consular benefit, in their ports, all British vessels and seamen arriving from the colonies. So, also, I reminded the British plenipotentiaries, that the United States would have to protect themselves, by a similar reservation, to an extent co-equal with that to which Britain might use her option of excepting from the residence of our consuls, particular places in her colonies, there being no other appropriate mode by which we could countervail on our side this right of exception on hers, so far as regarded her colonies.

It will be seen from the twenty-fourth protocol, that Britain continues to decline, for the present, receiving our consuls in any of her colonial ports. She acts, in this respect, under an impression that there is danger of the intercourse between these ports and the United States being soon wholly interrupted. She waits the disappearance of this danger before she recognizes our consuls, as its reality would, according to her way of reasoning, render their recognition of little value. It was in vain that I urged the justice of recognizing ours at once, so that we might be upon a par with Great Britain, *until* ulterior events were known. If her tonnage duty of four shillings and three-pence sterling per ton, on our vessels entering her colonial ports, and her additional impost of ten per cent., be met by countervailing duties on our side, as I was forced, for the reasons given in another part of this despatch, to intimate my belief, that they would be, her plenipotentiaries have informed me that it will lead to fresh measures, of the same character, on her side: thus bringing on a state of things that can only terminate in rendering the trade no longer worth the pursuit of either country. If, on the other hand, the trade remains as at present regulated, without any alteration by either party, although Britain, as I have had occasion to remark before, alleges that she is dissatisfied with it; she will let it have a further trial, and, in this event, will receive our consuls on the terms mentioned in the twenty-fourth protocol. This she will do, as I understand her intentions, notwithstanding the tenor of the fifth article of her counter-projet, above mentioned, which would seem to make her consent to the reception of our consuls dependent upon our acceptance of her four preceding articles. I believe, moreover, that

she would raise no obstacle on the score of expense, but grant to our consuls exequaturs free of all charge, as we grant exequaturs to hers. This point I mentioned to the British Plenipotentiaries, and to its obvious justice they took no exception. There remains nothing further for me to impart to you on this subject. The protocols that relate to it are the twenty-third and the twenty-fourth.

Protocol of the third Conference of the American and British Plenipotentiaries, held at the Board of Trade, February 5th, 1824.

Present—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

The Protocol of the preceding conference was read over and signed.

In pursuance of previous agreement, Mr. Rush brought forward the propositions of his Government respecting the trade between the British Colonies in North America and the West Indies and the United States, including the navigation of the St. Lawrence, by vessels of the United States. On concluding the statement with which Mr. Rush introduced these proposals, in explanation of the views and antecedent proceedings of his Government, he gave in the three articles which are hereunto annexed, (marked A.)

The British Plenipotentiaries, in receiving the articles thus presented to them for consideration, confined themselves to stating their first impressions as to the scope and extent of the American proposals, and the extreme difficulty resulting therefrom, observing on such parts of the American Plenipotentiary's statement as appeared to them to call for immediate objection, or to admit of satisfactory explanation.

Adjourned to Monday, the 16th instant, at 2 o'clock.

RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.

Protocol of the sixteenth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 8th June, 1824.

Present—Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

The prototol of the preceding conference was read over and signed.

The British Plenipotentiaries, after further discussion in relation to commercial intercourse between the United States and certain of the British colonies, gave in the annexed counter project on that subject, in reference to what had passed at the preceding conference, observing, at the same time, that the first two articles of the proposal

communicated by the American Plenipotentiary in their third conference with him, had, in their opinion, no necessary connection with the third, relating to the navigation of the river St. Lawrence, and, that they conceived it would be more convenient to treat of them separately.

Adjourned to Tuesday, the 15th instant.

RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.

L.

British counter-projet on Commercial Intercourse, (16th protocol.)

His Britannic Majesty and the United States of America, being desirous to regulate, by mutual agreement, and on principles of just reciprocity, the trade now open under the respective laws between the United States and the British colonies in North America and the West Indies, have appointed Plenipotentiaries to negotiate and conclude a convention for that purpose; that is to say, on the part of His Britannic Majesty, ——; and on the part of the United States of America, ——; which Plenipotentiaries, after duly communicating to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

I. The subjects of His Britannic Majesty, and the citizens of the United States, shall continue to have liberty to trade between the ports of those States, and the open ports of His Majesty's possessions in North America and the West Indies, under the existing laws and regulations of the high contracting parties. And whereas it is considered mutually advantageous to the subjects and citizens of both parties, that all discriminating duties and charges reciprocally imposed and levied on the vessels of each nation and their cargoes, in the ports of the other, as aforesaid, should be withdrawn and altogether abolished, it is hereby agreed, that, upon the vessels of the United States admitted by law into all, and every one of His Britannic Majesty's colonial ports, as aforesaid, and upon any goods, wares, or merchandise, lawfully imported therein, in the said vessels, no other or higher duties of tonnage or import, and no other charges of any kind, shall be levied or exacted than upon British vessels, including all vessels of the colonies themselves, or upon the like goods, wares, or merchandise, imported into the said colonial ports from any other foreign port or place whatever; and, likewise, that, upon the vessels of Great Britain, and of her colonies, admitted by law into all and every one of the ports of the United States, and upon any goods, wares, or merchandise, lawfully imported therein in the said vessels, no other or higher duties of tonnage or import, and no other charges of any kind, shall be levied or exacted than upon vessels of the United States, including all vessels of each and every one of the

said States, or upon the like goods, wares, or merchandise, imported into the United States, from any other foreign port or place whatever.

II. For the more perfect fulfilment of the intentions of the high contracting parties, they pledge themselves, hereby, to remove, with as little delay as possible, His Britannic Majesty on his side, and the United States on their side, all additional duties of tonnage in the light of foreign tonnage duty, and all additional duties of import in the light of duties on goods imported in foreign vessels, at present existing, either against the vessels of the United States and their cargoes, admitted by law into any of the British colonial ports, as aforesaid, or against British vessels and their cargoes, admitted by law into the ports of the United States, as well as all other discriminating duties and charges, of whatever kind they may be, intended by this, and the foregoing article, to be removed and altogether abolished.

III. It being the desire and intention of the high contracting parties, to place the trade in question on a footing of just reciprocity, they further agree, that, in case any of the existing enactments on either side, regulating the navigation in this trade, shall, contrary to expectation, be found, on further experience, to operate partially, and in such manner as to give to the subjects or citizens of the one party engaged therein, a clear and decided advantage, to the manifest prejudice of the subjects or citizens of the other, in opposition to the intention above declared, each of the two Governments shall, in such case, and according as the case may be, receive and examine the representations made to it thereon by the other, and, the complaints being fairly substantiated, shall lose no time in adopting such additional laws and regulations as may correct the grievance complained of, in conformity with the principle herein laid down.

IV. The high contracting parties, being further desirous to promote and extend this trade, in proportion as circumstances may, from time to time, allow, His Britannic Majesty, on his part, engages, that, whatever facility or advantage may hereafter be granted to any friendly State, either in Europe or in America, with respect to any commerce, direct or circuitous, to be carried on between such State and His Majesty's colonies in the West Indies or America, shall be, in like manner, granted to the citizens of the United States; and the United States on their part, engage that, under this contingency, the subjects of His Majesty shall enjoy whatever facilities or advantages may, at any time, be granted by them to the subjects or citizens of the most favored State, in any trade carried on between the possessions of that State in the West Indies or America, and the United States.

V. In consideration of the foregoing arrangements, His Britannic Majesty consents, that the Government of the United States shall be at liberty to appoint Consuls in His Majesty's open colonial ports in North America and the West Indies, and that consuls so appointed on their behalf shall be received under the same conditions as those which are stipulated in the fourth article of the Convention of Commerce, concluded in London, on the 3d July, 1815.

VI. The ratification of this convention, &c.

Extracts from the Protocol of the twenty-fifth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 22d of July, 1824.

Present, Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

"The Protocol of the preceding conference was read over and signed."

"It was agreed, in consideration of the numerous and complicated questions on which the conferences had turned, that the Plenipotentiaries should meet again, and communicate with each other, prior to sending in to their respective Governments their final reports of the present state of the negotiations, suspended by the necessity of referring to Washington on some of the subjects that had been presented for discussion. Adjourned.

RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING."

Protocol of the twenty-sixth Conference of the American and British Plenipotentiaries, held at the Board of Trade, on the 28th of July, 1824.

Present, Mr. Rush,
Mr. Huskisson,
Mr. Stratford Canning.

The Protocol of the preceding conference was read over and signed.

The Plenipotentiaries, after communicating with each other, in pursuance of the agreement taken at the preceding conference, and persuaded that they had sufficiently developed the sentiments of their respective Governments, on the various subjects of their conferences, separated, under the circumstances which necessarily prevented, for the present, any further progress in the negotiations.

RICHARD RUSH,
W. HUSKISSON,
STRATFORD CANNING.

W.

Paper on the Commercial Intercourse Question, from the British Plenipotentiaries.

The British Plenipotentiaries present the following remarks, on the articles of colonial intercourse proposed by the American Pleni-

potentiary, at his third conference with them. The first two articles have no necessary connection with the third, which relates to the navigation of the river St. Lawrence; and the British Plenipotentiaries are of opinion that it is more convenient to treat of them separately.

The proposal contained in the two articles on colonial intercourse, is in substance as follows: The trade between the United States and His Majesty's Colonies in North America and the West Indies, to continue, as at present, regulated by the respective acts of Parliament and Congress, except that all discriminating charges on alien vessels and their cargoes, concerned in that trade, should be withdrawn on both sides, and further, that all articles of United States' produce should be admitted into the Colonies, exactly on the same terms as the like productions of the Colonies themselves, or of the mother country.

To all but the last clause of this proposal, the British Government are willing to consent. To that condition they decidedly object.

The objectionable condition amounts to no less than a stipulation that Great Britain shall renounce, in favor of the United States, and without a return on their side, the power of protecting the staples of her own subjects, by levying import duties on the like productions of a foreign country. In *principle*, such a proposition is evidently inadmissible. It could not be entertained with credit, by any power on which it was calculated to operate exclusively. It is directly at variance with the practice of all commercial, of all civilized States. It has no precedent in the commercial relations subsisting between the British dominions in Europe and the United States.

The *specific* grounds alleged in support of it, by the American Plenipotentiary, are, in the opinion of the British Government, wholly insufficient for that purpose.

They are understood to be, in effect, first: That American vessels are subject to an export duty in the British West Indies, to which British vessels are not equally liable: Secondly, that, while all the ports of the United States are open to British vessels, only certain enumerated ports of the British Colonies are open to vessels of the United States: Thirdly, that American vessels are confined to a direct trade between the place of export and the place of import, while British vessels labor under no such restriction: Fourthly, that the British vessels, though confined to the same enumerated articles as the American, in the direct trade, are not so confined in trading from Colony to Colony, or with the ports of the mother country: Fifthly, that, while all articles of British Colonial produce are admitted into the United States, many important articles of American produce are excluded from the British West Indies: And, sixthly, that, on those articles of American produce which are admitted into the British Colonies, import duties are levied, or, at least, that higher import duties are levied, than on the like articles produced in His Majesty's dominions.

These several allegations are met, in detail, by the following specific statement:

First. The export duty complained of, is a duty of four and a half per cent., levied in some of the Leeward Islands, on the produce of those islands, whether exported in British or in American vessels, and equally, whether exported to Great Britain or to foreign countries.

Secondly. The Colonial ports opened, by act of Parliament, to foreign vessels from America, are all those in which custom houses are established.

Thirdly. The American Congress has passed an act confining British vessels to a direct trade, under bond, in the very same manner as American vessels are restricted by the British act of Parliament, and even to a greater degree.

Fourthly. The liberty of trading between Colony and Colony, as well as within the mother country, enjoyed exclusively by British vessels in this trade, is no other than a part of the coasting trade, which every Government secures to its own subjects. The Americans enjoy a like advantage on their side; and the British are not allowed, on the same principle, to carry on trade between the several ports and States of the American Union.

Fifthly. The exclusion of certain articles of American produce, such as salt fish, from the West India market, is no other than what already exists in the trade between Great Britain and the United States, comprising other foreign countries. It is by no means peculiar to the colonial intercourse. The rum and molasses of the British West Indies, are, *in point of fact*, but barely admitted to the market of the United States.

Sixthly. The protecting duties levied in the British West Indies, on the flour, lumber, &c. of the United States, are absolutely necessary to afford the Inhabitants of His Majesty's North American Provinces a chance of sending their superfluous produce to market, on equal terms with the citizens of the United States. These latter enjoy great natural advantages over their Northern competitors, by reason of the open climate, and comparative vicinity of their country to the West India Islands. The sugar of the British West Indies, their principal export, has, besides to pay in the United States, an import duty proportionally higher than the duty levied on American flour, in the ports of the British Colonies.

On the specific grounds, then, alleged by the American Plenipotentiary, the above mentioned stipulation cannot be accepted by Great Britain, without injustice to her own subjects, any more than it can be accepted by her on general principles, without prejudice to her character as an independent, commercial Power. Much as the British Government are disposed to cherish and improve the relations of commerce and good neighborhood with the United States, such sacrifices cannot, in fairness, be expected, even for the sake of those objects.

Still less are they to be expected, when the statements of the British Government, in answer to those of the American, are fully borne

out by the state, as hitherto ascertained, of the trade carried on under the respective laws of the two countries.

There is reason to suppose, that about two-thirds of the flour and lumber received from North America by the British West Indies, are produced by the United States; and it is not too much to say, that even seven-eighths of that quantity are conveyed to the market in American vessels, while, even upon the return trade, it appears that American vessels enjoy a share not greatly superior to that proportion.

Under these circumstances, the British Plenipotentiaries can only accept the articles on commercial intercourse, tendered to them by the American Plenipotentiary, with the omission of the stipulation already specified.

With every disposition to remove unnecessary obstructions from the trade, and to keep the protecting duties within fair and moderate bounds, no difference whatever being made in point of duties and charges between American and British vessels, whether belonging to the Colonies or to Great Britain, it is impossible for the British Government to admit a condition which would expose their North American Provinces to a total exclusion from the West India market, and that, as they conceive, without any equivalent concession being proposed on the part of the United States.

The British Plenipotentiaries are ready, at the same time, to enter into stipulations, not only for removing all alien charges whatever from the vessels and their cargoes, as such, of both parties, in the United States on one side, and in the enumerated British Colonies on the other, but also for extending to the United States, eventually, and in consideration of a fair return from them, any further advantages in that trade, which, in the progress of events, Great Britain may find it safe or desirable to concede to any other foreign nation or State, in the trade between her colonies and its possessions. In making this contingent agreement, it would be the intention of the British Government to apply, in proportion as circumstances might allow, to the trade between His Majesty's open Colonies and the United States, the same principle already adopted in the Convention of 1815; namely, of placing each party, with respect to imports and exports, on the footing of the most favored nation: and in the same spirit there would be no objection to giving a suitable extension to the fourth article of the Commercial Convention, respecting Consuls.

Mr. Addington to Mr. Adams.

WASHINGTON, *7th September*, 1823.

SIR: The act passed in the late session of Congress, for regulating the commercial intercourse between the United States and certain of His Majesty's Colonies in the West Indies and North America, as well as the correspondence which took place on the same subject, be-

tween yourself and Mr. Stratford Canning, having been laid before His Majesty's Government, and received from them the most attentive consideration, I am commanded by His Majesty's Secretary of State to put you in possession of the result of their deliberations on that subject.

The act of Parliament, of the 23d of May, 1822, is the first Legislative admission of a direct permanent commerce between His Majesty's Colonies and Plantations in the West Indies and the United States, in the vessels of the United States.

This departure on the part of Great Britain from her ancient Colonial system, was considered by His Majesty's Government to be mutually advantageous to both parties.

In furtherance of the liberal views which suggested this act, and in conformity with the principle by which the direct trade between Great Britain and the United States is regulated, under the Convention of 1815, the British Government, immediately after the passing of that statute, gave orders that no other or higher duty should be levied upon merchandise imported into the British Colonies in vessels of the United States, than upon the like merchandise imported in British vessels; and, also, that the vessels of the United States should be subject to *no higher tonnage duties, or custom-house fees, or other local or port charges*, in those Colonies, than were paid by British vessels in the same ports.

These orders have long since been carried into general effect; and if, in any particular instance, it should be made to appear that they have not been punctually observed in any of His Majesty's Colonies, the British Government would readily take measures for removing that exception, and for redressing any injury to which it might have given rise.

Contrary to the just expectations of His Majesty, no corresponding orders have yet been issued by the Government of the United States, for the remission of the alien duties upon goods imported into the United States, under the pre-cited act, in British shipping, or upon the vessels in which such goods are imported.

For some time the Government of the United States declined giving such orders, on the ground that no satisfactory proof had been produced of discriminating duties being no longer levied on American trade in His Majesty's Colonies; yet, surely, the direct affirmation of the British Government, that orders to that effect had been given, might, and ought to have been received as sufficient proof of the fact.

As a ground for still suspending the remission of the alien duties, the American Government now allege that, by an act passed in the last session of Congress, the President of the United States is restrained from taking off those duties, until he shall have received satisfactory proof, that "upon any goods, wares, or merchandise, the growth or "produce of the United States, imported into the British Colonies un-"der the act aforesaid, no higher duties are levied than upon the like "goods imported into the said Colonies *from elsewhere*."

The term "*from elsewhere,*" was at first liable to a dubious construction; but in your letter to Mr. Stratford Canning, dated the 14th of May last, it was finally declared "to be of meaning equivalent to *every where else*, and of course to include all places other "than those from which the importations into the specified ports might "be made in vessels of the United States"—His Majesty's dominions themselves, therefore, necessarily inclusive.

According to this interpretation, the United States claim the privilege of introducing into His Majesty's Colonial possessions, their own produce, on precisely the same footing as that of the United Kingdom itself, or of His Majesty's dominions in whatsoever part of the world.

Such a claim, sir, I am commanded to inform you, His Majesty's Government consider to be wholly inadmissible.

For the expectation of so unlimited a concession, no part of the act of Parliament above cited affords the smallest ground. In that act, mention is made alone and expressly of *foreign* countries. The third and sixth sections both specify imports into, and exports from, *foreign* territories, as alone in question.

Considering this circumstance, His Majesty's Ministers might, perhaps, have had a right to expect that a more early intimation would have been given by the American Government, that the removal of the discriminating duties in the United States was to be made contingent upon a concession now brought forward for the first time, and of a character totally different from that which Great Britain had voluntarily offered and executed, namely, the equalization of duties in the British Colonies.

It was but reasonable to infer, that as soon as the deficiency of certificates, so long alleged by the Government of the United States as the only obstacle to that equalization on their part, should have been supplied, the whole matter would have been considered as definitively settled.

Such, however, has not been the case. The declaration required was given, and then, for the first time, the claim in question was distinctly advanced.

Since it appears therefore that His Majesty's Ministers are now to understand that, unless they accede to a condition considered by them as totally inadmissible, the discriminating duties imposed on British trade will continue to be levied by the United States, it has become necessary for the protection of the trade and navigation of Great Britain, and for placing His Majesty's subjects upon a footing of equality with those of the United States, in the intercourse established under the British act of Parliament of 1822, that discriminating duties should be imposed in His Majesty's Colonies upon the goods and ships of the United States, trading under the said act, equal to those which are levied upon the goods and ships of His Majesty's subjects trading from the Colonies to the ports of the United States.

The fairness, and indeed the necessity, of this measure, the United States themselves will, it is conceived, hardly be disposed to question.

I am directed, however, to declare that, just and necessary as it is, His Majesty's Government will be ready to withdraw it immediately upon the manifestation of a disposition on the part of the United States corresponding with that in which the act of Parliament of May, 1822. was framed and carried into effect by Great Britain.

It is the earnest wish of His Majesty's Government to afford every facility to a direct commercial intercourse between the United States and the British Colonies in North America and the West Indies, consistently with the principles of that act—principles in which they had hoped to find a cordial concurrence on the part of the American Government.

Within the limits of those principles His Majesty's Ministry are ready to enter upon negotiation for promoting and extending that intercourse: but they cannot acquiesce in a system so partial, and bearing so unequally on the trade and interests of Great Britain and her Colonies as that proposed by the United States, the principle of which has never been admitted by that, or any other country, in its direct commercial intercourse with foreign nations.

I have the honor. sir, to enclose for your information the copy of an act of Parliament, which, in conformity with these views, has been passed for the purpose of enabling His Majesty to resort to the measure above described. On perusing it you will not fail to observe that, by it, His Majesty is equally empowered to impose, and to remove, discriminating duties on the vessels and goods of foreign Powers, according as those Powers shall be disposed, or not, to act with a fair reciprocity towards Great Britain; and I am expressly enjoined to assure you that the power of removal will at all times be exerted by His Majesty with far greater satisfaction than that of the previous but unavoidable imposition of such duties.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant.

H. U. ADDINGTON.

Mr. Adams to Mr. Addington.

DEPARTMENT OF STATE,

Washington, November 11, 1823.

SIR: I have had the honor of receiving your letter of the 7th September, together with a printed copy of an act of Parliament enclosed with it.

In the month of June last, instructions were forwarded to the Minister of the United States at London, to confer with the Government of His Majesty upon the subject of the Commercial intercourse between the United States and the British Colonies in America, to show that the terms upon which the Act of Parliament of 24th June, 1821,

(3 Geo. 4. chap. 44,) had opened certain British Ports in America, to the importation of certain articles from the United States, in vessels of the United States, were, according to the construction which it had received, and by which it was executed in the Colonies, so far from embracing a system of reciprocity, as the foundation of that Commercial intercourse, that the Government of the United States could not consent to the admission of British vessels from those Colonial Ports, on payment of the same, and no higher or other duties in the Ports of the United States than were paid by the vessels of the United States employed in the same commerce: to point out the discriminations to the disadvantage of the United States which operated upon their vessels under the system introduced by the Act of Parliament, and to propose an amicable arrangement by negotiation, of the whole subject, in a *spirit* of mutual accommodation, and more to the satisfaction of *both parties*. By the communications recently received at this Department from Mr. Rush, it appears that he had received these instructions, and had, already, conferred with His Majesty's Secretary of State for the Department of Foreign Affairs concerning them. A hope that the result of these conferences will supersede the necessity of any *further* correspondence upon the subject here, induces me to suspend a reply to the observations in your note which might otherwise be required. In the mean time, I pray you to accept the renewed tender of my distinguished consideration.

JOHN QUINCY ADAMS.

Extract of letter, No. 1, from Mr. King, Envoy Extraordinary and Minister Plenipotentiary of the United States to Great Britain, to Mr. Clay, Secretary of State, dated

CHELTENHAM, *August 9th*, 1825.

"After remaining a week at Liverpool, it was recommended to me to take Cheltenham in my route, in order that I might use the waters for the benefit of my health. I found advantage by drinking the waters, and as Parliament had adjourned, I concluded to send my son to London with the despatches confided to me for Count Lieven and our Minister at Paris, and, with the assistance of Mr. Smith, to make the necessary arrangements respecting a house, and other matters, preparatory to my going myself. I also requested Mr. Smith, who will continue Chargé d'Affaires till my presentation to the King, to ask an interview with Mr. Canning, for the purpose of explaining to him the delay which has detained me a few days at this place. Mr. Canning being himself unwell, referred Mr. Smith to the under Secretary of State, Mr. Planta, to whom, accompanied by my son, he stated the occasion of this delay. The next day Mr. Planta informed

Mr. Smith that, owing to ill health, Mr. Canning would not remain in town so long, nor return to it so early as he had before expected, and by Mr. Canning's direction, Mr. Planta requested Mr. Smith to make this communication to me, expressing Mr. Canning's regret at the occasion of my detention, and adding. that, as Mr. Canning, on account of his own health, would for some time be absent from town, he would himself write to me apprising me thereof, and in his way to the North, would meet me at Cheltenham or its neighborhood. Accordingly, upon the 29th of July, I received Mr. Canning's letter of the former day, and by the return of the post sent him my answer."

Same, No. 3, to same, dated

LONDON, 20 BAKER STREET,

August 24th, 1825.

(EXTRACT.)

"Mr. Canning, as you will observe, is still in the North of England. London, I believe, is without the presence of more than a single Cabinet Minister, his Colleagues being upon the Continent, or dispersed through the interior of the Country."

Same, No. 4, to same, dated

LONDON, *September 4th*, 1825.

(EXTRACT.)

"The Government continues in a state of abeyance. Mr. Canning is still in the North of England, and probably will not return till the middle of the month."

Same, No. 5, to same, dated

LONDON, *September 13th*, 1825.

(EXTRACT.)

"Mr. Canning and Colleagues are all out of town, but are expected on the 17th or 20th."

Same, No. 7, to same, dated
LONDON, *September 26th*, 1825.
(EXTRACT.)

"Mr. Canning has invited me to meet him at half past 2 o'clock, which will constitute our first meeting in London."

Mr. Clay to Mr. Gallatin.

EXTRACTS FROM GENERAL INSTRUCTIONS, *No.* 1, *dated*
19*th June*, 1826.

"Your predecessor, Mr. Rufus King, purposes leaving London in the month of June, and on that account, as well as on account of the important negotiations with which you are to be solely charged, the President wishes you to lose no time unnecessarily in proceeding to Great Britain. On your arrival there, you will deliver a copy of your credential letter to the Minister of Foreign Affairs, and, on your presentation to the King, you will communicate the original to His Majesty. On that occasion, you will express to him the earnest desire of the President to maintain the amicable relations which happily subsist between the two countries; that, on the part of this Government, nothing will be omitted to preserve them in full vigor, and, if possible, to add fresh strength to them; and it will give great satisfaction to experience corresponding dispositions on the other side.

"You will find among the papers now put in your possession, the personal instructions by which you will regulate your conduct. Mr. John A. King, Secretary of the Legation, to whom is allowed the option of retaining that appointment, and who will have been left by Mr. Rufus King in charge of our affairs, if he shall have taken his departure before your arrival, will deliver over to you the records and papers of the mission.

"In communicating the general instructions, by which you are to be governed, the first subject to which I am to direct you attention is that of negotiation, opened by Mr. Rush on the 23d day of January, 1824, and which was suspended on the 22d of July, of the same year, with an understanding between the parties that it was to be renewed at some convenient early period. Owing to circumstances beyond our control, it has not been resumed as soon as the President had wished. Upon Mr. King's arrival last Summer in England, he found the members of the British Cabinet dispersed over the Kingdom, and on the continent. His Britannic Majesty was indisposed, as was Mr. Canning also. Mr. King has labored under ill health, during the greater part of the time of his abode in England. It was not until the Autumn that the British Cabinet assembled at London; and the first object which engaged Mr. King's attention was, the state of the mixed commission at Washington, under the tripartite convention of St. Petersburg. He was for some time occupied by a correspondence

and conferences with Mr. Canning, on that subject, until it was transferred to this city. Moreover, the British Parliament had recently passed laws affecting, in a most important extent, the trade of the British Colonies, in our neighborhood, the interpretation and practical operation of which, it was desirable to test by some experience. These explanations of the causes of the delay which has arisen in the resumption of Mr. Rush's negotiation may be made, if you shall find them necessary, to the British Government. That of the United States has not been indifferent to the deep interests, and to the harmony between the two countries, which are involved in the negotiation. And it is satisfactory to reflect, that no prejudice to either party is believed to have accrued from the lapse of time, which, on the contrary, will have afforded to both a more ample opportunity of deliberately reviewing the past, and of entering again upon the negotiations under better lights, and with a spirit of mutual conciliation and concession, the best pledge for bringing them to a fortunate conclusion.

We have received information that Mr. Huskisson and Mr. Addington, formerly the British Chargé d'Affaires at Washington, have been named to conduct the negotiation on the part of the British Government, which has intimated an expectation that, on our side, there would also be two Commissioners. In not conforming to that expectation, no disrespect is intended to the British Government. It belongs to every nation to determine for itself, what shall be the number, and to designate the particular individuals, to whom it chooses to commit the conduct of its foreign negotiations. Nor has the practice been uniform to employ the same number on each side. Great Britain does not, indeed, insist upon the appointment of two, as a matter of usage or of right. In appointing you alone, this Government is influenced by the confidence which it reposes in you, and by considerations of economy and expediency."

"4. The trade between the United States and the British American colonies.

You will recollect that the British Government declined treating on this subject, in the negotiation which resulted in the convention of 1815. That convention left each party at liberty, by his separate acts, to regulate the trade according to the view which he might entertain of his own interests and policy. Accordingly, the Government of each has since adopted various measures, which have so restricted and embarrassed the intercourse between the United States and the British colonies, that it is almost impossible to comprehend them, and the officers of the British Government have not concurred in the construction of the last act of the British Parliament in relation to the subject. This act has been differently interpreted, both in the same British port, and in different British ports. A principal object of those measures has been, on the British side, to secure and perpetuate a monopoly of the navigation concerned in the trade, and, on

ours, to obtain a fair and equal participation of it, on terms of just reciprocity. The experience of both has been such, that it ought to inculcate on their respective councils moderation and liberality.

Mr. Rush submitted, in the progress of his negotiation, at the third conference, (see page 138 of the pamphlet,) two articles for the regulation of this trade, which were not accepted by the British Plenipotentiaries. These articles embraced three leading principles: 1st, That there should be a mutual abolition of all discriminating or alien duties, so as to place British and American vessels employed in the trade, and their cargoes, on a footing of perfect equality; 2d, That the productions of the United States, admitted into a British colony, should be subjected to no higher duties than similar productions of another British colony; and, 3d, That the trade should remain restricted as it then was by the acts of Congress and Parliament, according to which it was limited to a *direct* intercourse. The British Plenipotentiaries were willing to accede, in behalf of their Government, to the first and third, but not to the second of those principles; and they brought forward, at the sixteenth conference, a counter-projet, consisting of six articles, (see page 142.) On the 27th day of June, and the 5th of July, 1825, the British Government passed two acts, the first of which is entitled "An act for further regulating the trade of his Majesty's possessions in America and the West Indies, and for the warehousing of goods therein," and the second, "An act to regulate the trade of the British possessions abroad." According to these acts, the discrimination between Great Britain and her American colonies, as being subject, in regard to foreign nations, to different commercial codes, is in some degree abolished; and they are incorporated, to a considerable extent, together, and their trade thrown open to foreign nations. The legislation of Great Britain for her colonies has been very complicated, and we may not have a just conception of the provisions of those two acts. But, if they are correctly understood here, they allow. 1st, That whatever may be lawfully imported into those colonies, in British vessels, may be also imported, in foreign vessels, into a specified number of ports, called free ports, at the same rate of duty for the vessel and cargo; 2dly, That the foreign vessel is restricted to a direct intercourse between the country to which it belongs and the British colony, adhering, in this respect, to the old principle of her navigation laws. In some of their provisions, particularly in the imposition of duties on articles of American produce, which was before free, (Indian meal and Indian corn, for example,) these acts operate more prejudicially to us than the previous state of the British law. But, notwithstanding, on a full consideration of the whole subject, the President, anxious to give a strong proof to Great Britain of the desire of the Government of the United States to arrange this long contested matter of the colonial intercourse, in a manner mutually satisfactory, authorizes you to agree—

1st, That there shall be a reciprocal and entire abolition of all alien or discriminating duties upon the vessel or cargo, by whatever authority imposed, so as to place the vessels of the United States and

those of Great Britain, whether colonial or British, concerned in the trade, upon a footing of perfect equality and reciprocity.

2d, That the United States consent to waive the demand which they have heretofore made, of the admission of their productions into British colonies at the same, and no higher, rate of duty, as similar productions are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorrel. It will not be necessary, however, to insert the general waiver in the convention, but only to provide for the exception, if that should be agreed to as herein before mentioned; and

3d, That the Government of the United States will not insist upon a participation in the direct trade between the United Kingdom of Great Britain and Ireland and the British American colonies. But they do expect and require, that their vessels shall be allowed to trade between those colonies and any foreign country with which the British vessels are allowed to trade. In agreeing to leave Great Britain in the exclusive possession of the direct trade with her colonies, the President is sensible that our navigation may be exposed to some disadvantage in its competition with the British. The latter may make double voyages, charged with mixed cargoes from the parent country, or from the United States and the Colony. But the disadvantage would be so great as to render it impracticable that we could maintain any thing like a fair competition, if British vessels, at the pleasure of their owners, were, and ours were not, permitted to share in the trade between the British colonies, foreign countries, and the United States. Perhaps Great Britain may ask, if we trade between British colonies and foreign countries, that British vessels should be allowed to export the produce of the United States to those countries, or to import foreign produce from them into these States. There would be some plausibility in such a demand, if it were confined to colonial vessels, and if there could be devised any adequate security against fraudulent denominations of British *European* vessels, bestowed to qualify them to enjoy the privilege of trading between the United States and foreign countries, through British colonies. It is evident that, without such a limitation, efficaciously enforced, (which is believed to be altogether impracticable,) there would be no equivalent, for a privilege to all British vessels, European and colonial, of sharing in our trade with all foreign countries, in the limited privilege to American vessels, of sharing the trade between those countries and British colonies. Your discussions on this subject may take such a direction as to present a favorable occasion for testing the extent to which the British Government is disposed to carry the modern liberal commercial doctrines, which it professes, and has proclaimed to the world. With that view, and for settling at once all difficulties on the question, whether the vessels of the United States shall be permitted to engage in the trade between the British American colonies and foreign countries, you are hereby authorized to propose, as a general regulation, applicable to the British dominions in Europe as well as in this hemisphere, or wherever situated, that whatever can be law-

fully imported into one country, in its own vessels, may be also imported into it, in the vessels of the other country, the vessel and the cargo paying, in both instances, the same and no higher or other duties. This will leave the capital and industry of the two nations concerned in navigation, to a free competition, upon equal terms; and that is understood to be the policy which the British Government has recently announced. On this broad and extensive principle, a treaty with the Republic of the Centre of America was concluded on the sixth of December last, and was subsequently ratified by the President, with the advice and consent of the Senate, it is believed given unanimously. We have not yet heard of its ratification by the other party, and of course its promulgation at present would be premature, but a copy of it is now placed in your possession. A treaty with Denmark, embracing the same principle, under some modifications and limitations, was signed at Washington on the 26th day of April of the present year, to the ratification of which the Senate has also consented and advised with equal unanimity. Sufficient time has not yet elapsed to receive the Danish ratification, but a copy of this treaty is also confided to you. If Great Britain will assent to neither principle; if she insist upon engrossing the whole trade, not only between her colonies and her European dominions, but also between those colonies and foreign countries, to the exclusion from both of the navigation of the United States, it will then be necessary to insert a clause in the convention expressly reserving to each party the right, by existing or other laws, to restrict the trade between the United States and the British colonies to the direct intercourse between them.

"You will observe that the instructions now given, respecting the colonial trade, amount to an authority on the part of this Government to you, to agree in substance to the modification of Mr. Rush's proposal, which was required by the British Plenipotentiaries. You will endeavor to make a lively impression on the British Government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer; and of their expectation to meet, in the progress of your negotiations, with a corresponding friendly disposition. The object of this part of your instructions may be accomplished, either by inserting the articles respecting the colonial trade in the general convention for regulating the commerce between the two countries, which would be their most fit position, or in a separate convention. Whether the two articles proposed by Mr. Rush, or the two first, proposed by the British Plenipotentiaries, or others differently constructed, should be inserted in the convention which you are empowered to conclude, will depend upon the footing on which you may ultimately agree, under your instructions, to place the colonial trade. If you should not be likely to bring your negotiations, on the entire subject of the commerce between the two countries and their respective territories to a conclusion, in time to present the convention, in which it is expeected they will issue, to Congress during its next session, it will be desirable, and you are accordingly directed to endeavor to make a separate arangement of the colonial question, so as to enable the

President at least to present that, before the adjournment. As to the duration of any general or particular commercial convention to which you may agree, it may be limited to a period of about ten years; to which it is advisable to add an article similar to the eleventh article of our Danish treaty, stipulating that the convention shall continue in force beyond the particular period agreed upon, until one party notifies the other, in writing, of his desire to put an end to it."

Mr. Gallatin to Mr. Canning.

62, UPPER SEYMOUR STREET,

26th August, 1826.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, had not seen the order in Council, of the 27th of July last, on the day (the 17th instant) when he had the honor of an interview with Mr. Canning, His Majesty's principal Secretary of State for Foreign Affairs.

Had he then been aware of the precise import of the order in question, and of the provisions of the several acts of Parliament to which it refers, the undersigned would have thought it his duty to make the observations, to which he now begs leave to call Mr. Canning's attention.

It appears that His Majesty's Government was vested with two distinct authorities, applicable to the intercourse between His Majesty's Colonies and the United States.

By the 4th section of the act of Parliament, of the 5th July, 1825, it was enacted that the privileges granted by the law of navigation to foreign ships, to trade with the British possessions abroad, should be limited, with respect to countries not having colonial possessions, to the vessels of such as should place the commerce and navigation of Great Britain, and of her possessions abroad, upon the footing of the most favored nation, unless His Majesty, by his order in Council, should in any case deem it expedient to grant the whole, or any part, of such privileges to the ships of any foreign country, although the said conditions should not in all respects be fulfilled by such country.

And, by two other acts of Parliament, passed in the fourth and fifth years of the reign of His present Majesty, authority was given to levy additional or countervailing tonnage duties on vessels, and additional or countervailing duties of customs, on goods imported or exported in vessels belonging to any foreign country in which higher duties were levied on British vessels, or on goods imported or exported in British vessels, than on vessels of such country, or on similar goods when imported or exported in vessels of such country.

Both authorities have been resorted to in the order in Council of 27th July last.

On the ground that the condition referred to in the act of Parliament of 5th July, 1825, having not in all respects been fulfilled by the Government of the United States, the privileges so granted to foreign ships cannot lawfully be enjoyed by ships of the said States, unless specially granted by His Majesty in Council, the said privileges are again thus granted by the order in Council, but with the express proviso that the said privileges, or, in other words, the intercourse in American vessels between the United States and the British Colonies, shall absolutely cease on the 1st of December next, so far as respects South America, the West Indies, the Bahama Islands, Bermuda, and Newfoundland, and, on some other subsequent days, so far as respects the British possessions on the Western Coast of Africa, the Cape of Good Hope, Mauritius, Ceylon, New Holland, and Van Dieman's Land;

And, inasmuch as British vessels entering the ports of the United States, from the British Colonies, are charged with additional tonnage duty of ninety-four cents per ton, and with an addition of ten per cent. on the import duty payable on the same goods when imported in American vessels, a countervailing duty, deemed equivalent in amount, is, by the order of Council, laid, during the time that the intercourse is permitted to continue, on American vessels, and on goods imported in American vessels entering the ports of His Majesty's possessions in North and South America, and in the West Indies;

There is not, if the undersigned is rightly informed, a single act of the Government of the United States which can, in the view taken of the subject by that of His Majesty, be considered as not fulfilling the condition contemplated by the act of Parliament of 5th July, 1825, as not placing the commerce and navigation of Great Britain, and of her possessions abroad, upon the footing of the most favored nation, excepting only the continuance of the discriminating tonnage duty of ninety-four cents per ton on British vessels, and of the addition of ten per cent. on the ordinary duty charged on goods imported in British vessels entering the ports of the United States from the British Colonies. Both the measures embraced by the order in Council, the countervailing duties and the discontinuance of the intercourse, are founded on one and the same fact, the continuance of the United States' discriminating duties. And the countervailing duty, deemed equivalent thereto, which has by the order in Council been laid on American vessels, and goods imported in American vessels entering the ports of the British Colonies, was alone sufficient to place the British and American vessels, employed in the intercourse between those Colonies and the United States, on the footing of the most perfect equality.

It does not belong to the undersigned to question the policy of the measures which Great Britain may think proper to adopt respecting the trade with her colonies.

He only infers, from the acts of Parliament passed on that subject during the last four years, that the intercourse between the United States and the British colonies in the West Indies, South America, and other places, to the extent authorized by those acts, is considered.

by his Majesty's Government, as beneficial to those colonies and to the British empire at large.

With this conviction, and the only inequality supposed to exist having been removed by the countervailing duties, the undersigned has been unable to discover the motive for interdicting altogether, after a short time, so far as respects the British possessions in the West Indies, South America, and several other places, an intercourse beneficial to both parties, and which might, in conformity with the act of Parliament, have, if deemed expedient, been indefinitely continued with those colonies, in the same manner as has been done, as respects the British possessions of North America.

Wholly unable, therefore, to assign a cause for the contemplated suspension of the intercourse in question, the undersigned apprehends that, for the very reason that the object in view cannot be understood it may be misconstrued.

Having no instruction on a contingency which was not foreseen, he can, at this time, only express his regret, that a measure which cannot be viewed favorably by his Government, should have been adopted, at the moment when he was authorized to renew the negotiations on that subject, and with a well-founded hope, from the liberal tenor of his instructions, that an arrangement, founded on principles of mutual convenience to both parties might be concluded.

It is well known that the delay in that respect was due to causes not under the control of the United States, principally to the state of health of Mr. King, which has ultimately deprived them of his services.

The reasons of the marked preference given by the Government of the United States to an arrangement by treaty, instead of regulations adopted by both countries, are sufficiently obvious. It is highly important for all the parties concerned, essential for the security of commercial or agricultural operations, that the intercourse should be placed on a more permanent and explicit footing than it can be by reciprocal laws, liable to be modified or revoked at any time, at the will of either party, and not always easily understood by those on whom they operate. And the obstacles which have prevented the United States from accepting the intercourse contemplated by the act of Parliament, which could only be done in toto, and by complying with terms on which they had not been consulted, may, it is believed, be easily removed by modifications essential to them, and which will not, it is thought, be found inconsistent with the interest of Great Britain.

The undersigned has taken a view only of the general tenor of the order in council, and does not think it necessary to advert to some of its details. He believes the omission of a special mention of the trade with the British provinces in the East Indies, in that clause which makes a special exception as respects that with the British possessions in Europe, to be purely accidental. And he takes it for granted, that it is not intended to extend the countervailing duties to the intercourse by land or inland navigation, between the United States and the British possessions in North America, if it shall be found, as the under

signed believes it to be the fact, that the discriminating duties of the United States do not apply to that intercourse.

The undersigned avails himself of this opportunity to pray Mr. Canning to accept the assurance of his perfect consideration.

ALBERT GALLATIN.

The Right Hon. GEORGE CANNING, &c.

Mr. Canning to Mr. Gallatin.

The undersigned, his Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the official note, of the 26th ultimo, addressed to him by Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, on the subject of an order in council, issued by his Majesty on the 27th of July.

The undersigned feels himself greatly indebted to Mr. Gallatin for the full and frank exposition, which that note contains, of his own opinions, and of those of his Government, upon the whole matter to which the order in council relates; and for the opportunity thereby afforded to the undersigned for entering into an explanation, equally unreserved, of the opinions and intentions of his Majesty's Government on that matter.

It will be highly advantageous to dispose at once of a subject which stands apart from all the other important subjects which Mr. Gallatin is authorized to discuss with the British Government—a subject, which is to be argued on principles, and to be decided on considerations. peculiar to itself.

Mr. Gallatin will allow the undersigned to take the liberty of remarking. that this peculiarity of character seems to have been overlooked by Mr. Gallatin, in his note of the 26th of August. Throughout that note there appears to be one pervading error. Mr. Gallatin treats the question as if it had turned altogether on this single point: "what are the equal and reciprocal conditions, under which a trade, between the United States and the British West India colonies, should be carried on?" assuming, as a sort of axiom, that such trade is as open to the United States as any other trade in the world, and never inquiring whether some compensation might not be due from the United States to Great Britain, for the concession of a privilege, which it is her undoubted right to give or withhold.

The undersigned is prepared to shew, that, even if the liberty to trade with the British West India colonies were gratuitously conceded by England to the United States, still the footing on which the trade, so permitted, is now carried on by the United States, is unequal and unfair.

But as the objection, which the British Government feels to the proposition for such partial equalization of conditions, as Mr. Gallatin's instructions appear to be intended to establish, lies deeper than

Mr. Gallatin's proposition goes, the undersigned thinks it right to explain, in the first instance, the nature and grounds of that fundamental objection.

It is, as the undersigned has already said, the unquestionable right, and it has, till within these few years, been the invariable practice of countries having colonies, to reserve to themselves the trade with those colonies, and to relax that reservation only under special circumstances, and on particular occasions. When a relaxation of that nature has been dictated and limited, by the necessities of the mother country, or of the colonies, the foreign countries taking advantage of it, may fairly aver, that they owed nothing to the State which had granted such relaxation. They may even have felt themselves at liberty to decline to accept of a partial admission into the ports of the colonies, thus evidently opened from considerations of local or temporary convenience, unless they were allowed a general liberty of trade with those colonies, independently of such considerations.

The interdiction of the American Government, in 1820, of any commerce with the British West India colonies, until American shipping should be permitted a free entry into the British colonial ports, is to be justified upon this ground.

The obvious way of meeting that interdiction by Great Britain, would have been to open to other commercial and maritime Powers the trade refused by the United States.

Circumstances, not necessary to be detailed here, rendered that expedient, at that time, unadvisable.

In 1822, the privilege of trading with the British West Indies was conceded to the shipping of the United States, with certain restrictions and limitations, under which they were content to enjoy it; but that privilege Great Britain still withheld from all the Powers of Europe.

The concession to the United States was, in effect, if not in words, exclusive; for the new countries of America, (not then recognized by his Majesty,) had no commerce or navigation which could interfere with those of the United States.

It cannot, however, be supposed, it is not affirmed by Mr. Gallatin, that, by granting the privilege, thus, in effect, exclusively, to the United States, in the first instance, Great Britain precluded herself from extending it to other nations, whenever the course of events should create a favorable occasion for doing so. Events, which intervened between 1822 and 1825, created such an occasion.

As little can it be supposed, that, because Great Britain submitted, at a moment of necessity, to terms which, though not unjust, were inconvenient to her, she bound herself to continue to submit to them when that necessity should have passed away.

Scarcity may justify the demand for a high price, and monopoly may give the power of exacting it; but there is surely no understood compact between the buyer and the seller, that the former shall not indeavor to make himself independent of the latter by opening the market to general competition.

These obvious and simple considerations led to the act of Parliament of 1825.

Our right either to open the ports of our Colonies, or to keep them closed, as might suit our own convenience; our right to grant the indulgence of a trade with those Colonies to foreign Powers, wholly or partially, unconditionally or conditionally, as we might think proper, and, if conditionally, on what conditions we pleased, was clear. We were not bound by any engagement to continue a monopoly of such indulgence to one foreign Power against another. We had for three years felt the inconvenience of such monopoly. We naturally sought, therefore, in our new measure, to avoid the recurrence of the like inconvenience, by making our indulgence general to all nations; and, in order to keep the regulation of that indulgence in our own hands, we granted it by spontaneous legislation, and not by positive treaty.

The question is now, therefore, no longer what it was in 1820 or 1822, a question between Great Britain and the United States of America; it is a question between Great Britain and all the nations of the old and the new world, to all of whom Great Britain has tendered access to her Colonies, on conditions which many of them have practically accepted, and more perhaps are ready to accept.

Having thus placed (as he hopes) in a clear light, the general principles of Colonial trade, and the principles and considerations upon which Great Britain has acted in respect to her own West India Colonies, the undersigned now proceeds to consider the details of Mr. Gallatin's note of the 26th of August.

It has been already said, that, in the year 1822, we opened, by act of Parliament, a trade with our West India Colonies to American ships, under certain limitations and conditions.

The United States were at full liberty to accept or to decline those terms.

In accepting them, the United States imposed, at the same time, onerous charges and restrictions upon all British vessels which might trade between the British West India Colonies and the United States. One of these charges is an *alien* duty both upon the ship and upon her cargo.

After ineffectual endeavors, on our part, to obtain the removal of this duty, we were compelled to lay a countervailing duty to the same amount, upon American ships in the Colonial ports.

Mr. Gallatin states, "that, by the imposition of this countervailing duty, British and American vessels employed in the intercourse between the British Colonies and the United States, *are placed on a footing of the most perfect equality.*" And further, "that there is not, if he is rightly informed, a single act of the Government of the United States which can, in the view taken of the subject by that of His Majesty, be considered as not fulfilling the condition contemplated by the act of Parliament of the 5th July, 1825, as not placing the commerce and navigation of Great Britain, and of her possessions abroad, *upon the footing of the most favored nation,* excepting only the continuance of the

discriminating tonnage duty of ninety-four cents per ton on British vessels, and of the addition of ten per cent. on the ordinary duty charged on goods imported in British vessels entering the ports of the United States from the British Colonies."

The arguments drawn by Mr. Gallatin from these statements are three: first, that the duty on the side of the United States, and the countervailing duty on the side of Great Britain being equal, British ships trading between the Colonies and the United States are as much favored as American ships in the same trade: secondly, that, in as-much as, with the exception of the discriminating duties in America, Great Britain is, *in all other respects*, treated as "the most favored nation," there is no just cause for the exercise, on the part of Great Britain, of the power of interdiction provided by the act of 1825: and, thirdly, that, having in our hands *two* remedies for *one* and the same grievance, we ought at all events to have contented ourselves with applying either, but not both, by the same order in council.

To begin with the last of these three points, viz. the assumption that "having in our hands *two* remedies for *one* grievance, we ought to have been contented with applying either, but not both, by the same order in council."

The only measure which is *new* in the order in council, is the interdiction of the trade between the British West India colonies and the United States, after a specified period. The duties on American shipping, mentioned in that order, are not *new*. They were imposed by an order in council in 1823, and have been constantly levied since that time. They are again mentioned in the present order in council, only for the direction of the British custom house officers in the West Indies, who, if those duties had not been mentioned as still existing, might have imagined them to be superseded.

The history of these duties is simply this. On the first of March, 1823, a law was passed by the United States, which directs an *alien* duty to be levied upon British ships and cargoes coming from the British West India colonies, "until proof shall be given, to the satisfaction of the President of the United States, that no other or higher duties of tonnage or impost, and no other charges of any kind are exacted in the British colonial ports, upon the vessels of the United States, and upon *any goods, wares, or merchandise, therein imported from the United States*, than upon British vessels entering the same ports, and upon the like *goods, wares, and merchandise, imported in such vessels* FROM ELSEWHERE."

The British Government, at first, misapprehended the import of the term "*from elsewhere*," conceiving it to apply to foreign countries alone, and not to British possessions in North America, nor was it till after the interchange of several official notes between the British Envoy at Washington, and the American Secretary of State, that the British Government was made to comprehend, (or rather was brought to believe) the full extent of the concession required by the act of Congress, namely, that the produce of the United States, when imported from the United States into the British West India colonies should be

placed on an equal footing with the like produce of the *mother country herself and her dependencies.*

When such was at length ascertained to be the true construction of the American act of Congress of 1823, those countervailing duties were imposed on the trade of the United States by the British Government, which are now merely continued till the 1st of December next, in the West Indies, and indefinitely in the ports of British North America.

It is to be observed that, by the act of Parliament, of 1822, (3 Geo. IV. cap. 44) the British Government was enabled to *interdict all intercourse* between the United States and the British West India colonies, under any such circumstances as those which had already arisen in the United States.

The milder measure of a retaliatory duty was preferred, for two reasons: First, we were convinced that a claim so extraordinary as that put forward by the interpretation given to the act of Congress, of 1823, would not be persevered in after explanation; and, secondly, we had assurance that a full opportunity of that explanation would arise in the course of the negotiation which was then about to be opened between the two Governments on this, among other points, in which their respective interests were concerned.

That negotiation took place in London, in the Spring of 1824. On the part of the British Government an offer was made to arrange this matter upon terms highly favorable to the United States, but the American Plenipotentiary intrenched himself within the letter of the American law, and declared any proposal inadmissible which was not accompanied with the concession required by the final interpretation of that law.

Things remaining in this state, and the British proposition having been unnoticed for nine months before the American Government, the act of Parliament of July, 1825, was passed.

The American Legislature had cognizance of that act from the commencement of its last Session. It had also cognizance of the specific proposals offered by the British Government in 1824. Farther, there was brought under its consideration, by one of its members, a resolution for repealing the discriminating duties.

The Session, however, ended, without the enactment of any law for repealing or relaxing the restrictions of the act of Congress, of 1823, and with the rejection, after debate, of the resolution for the repeal of the discriminating duties.

To come next to Mr. Gallatin's allegation, that the discriminating duties are our *only* cause of complaint; that, *in other respects*, Great Britain is placed by the United States on the footing of *the most favored nation*, in her intercourse between her West India colonies and the United States.

Mr. Gallatin, in making this averment, appears to overlook another enactment contained in the same act of Congress, which imposed the discriminating duties; an enactment hardly less injurious to the commerce and navigation of Great Britain. That enactment, in

With regard to the former, it is only necessary to state that the trade with the East Indies remains upon the footing on which it was established by the Conventions of 1815 and 1818, with which Conventions it is expressly stated in the order in council, that the provisions of that order are not intended in any way to interfere.

In respect to the second point, relative to the intercourse by inland navigation between the United States and the British North American provinces, the undersigned begs to inform Mr. Gallatin, that that intercourse, so far as relates to the Canadas, is regulated by the act of Parliament of 1825, by which the same duties are expressly imposed on the vessels and boats of the United States, importing any goods into either of those provinces, as are, or may be for the time being, payable in the United States of America, on British vessels, or boats entering the harbors of the State from whence such goods shall have been imported.

The discriminating duties, besides, only apply to trade by *Sea* :— and if, in any instance, they have been levied upon American goods brought into his Majesty's possessions by inland navigation, or on the boats and vessels employed in that navigation, there will be no difficulty in directing the amount so levied to be repaid, unless it should appear that the like duties had been levied in the American ports, upon the inland navigation and trade of the British Provinces. G. C.

DESPATCH No. 13.—EXTRACT.

Mr. Gallatin to the Secretary of State, dated

LONDON, *22d September*, 1826.

"I have the honor to enclose the copy of my answer to Mr. Canning's note of the 11th instant, relating to the order in Council of 27th of July last."

Mr. Gallatin to Mr. Canning.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note of the 11th instant, addressed to him by Mr. Canning, His Majesty's principal Secretary of State for Foreign Affairs, in answer to that of the undersigned of the 26th ultimo, on the subject of the order in Council of the 27th of July.

The undersigned apprehends that the object of his note of the 26th ultimo, may not have been altogether understood. It was not his intention to make on that occasion a full exposition, much less to argue in support of either his own opinions or those of his Government, upon the whole matter to which the Order in Council relates.

His opinion of the character of the Colonial trade did not enter into the view he was taking of the subject. He is not aware to have expressed that of his Government upon any other point than that of the preference it gave to an arrangement by treaty, to regulations respectively enacted by each Country.

The arguments ascribed to him seem to be rather inferences to which he might not have objected, did he not feel bound to disclaim any intention on his part to have suggested what the British Government *ought* to have done; an expression applicable only to the case of an alleged violation of a positive or implied obligation.

The object of the note of the undersigned was simply what it purported to be: to express his regret that, under existing circumstances, the Order in Council should have been issued; and to avow his inability to discover its motive. This has now been frankly and distinctly explained by Mr. Canning. And the principal error which pervades the note of the undersigned, is, that he had supposed that the intercourse between the United States and the Colonies of Great Britain was still considered as beneficial to her; that he was wholly unaware that the interdict on that intercourse in American vessels was founded in considerations of a general nature, and connected with an intention not to renew, at least for the present, the negotiations on this subject.

It is true, that the undersigned had overlooked the fact, that, since the 5th of January, 1826, the indirect intercourse was allowed in American, and forbidden in British vessels; and, to that extent, his assertion of a perfect equality existing between the vessels of both nations was erroneous; though, in reality, the want of equality in that respect may have been compensated by other restrictions and charges imposed on American vessels.

The undersigned has it not in his power to assign the reasons why the provisions of the act of Congress, of 1823, relating to that indirect intercourse, have been continued in force, after the corresponding restrictions of Great Britain had been removed, so far as related to foreign countries. It is not improbable that the attention of the Government of the United States having been principally turned to the general question, whether it was not most eligible that the trade should be regulated by treaty, or by the respective laws of the two countries, the fact that this particular restriction had been thus revoked by the act of Parliament of 1825, may have escaped its notice.

The communication made in the latter part of Mr. Canning's note of the intentions of the British Government, would not seem, considered done, to impose any other duty on the undersigned than to transmit it to his own. But it is accompanied by various observations, one of which at least has almost the appearance of a charge against the Government of the United States, and it may not be improper for the undersigned to avail himself of the opportunity thus afforded, once more to state the view of the whole subject, which is entertained by the United States.

Great Britain asserts as clear, and undoubted, the right to give to the United States, or to withhold from them, the privilege of trading

with her West India colonies, to reserve to herself that trade, and generally to open the ports of those colonies to foreign Powers, or to keep them closed, as may suit her own convenience, wholly or partially, unconditionally or conditionally, and if conditionally, on what conditions she pleases.

As an abstract and general proposition, the right is not denied: but considered purely as a matter of right, this, which is an attribute of Sovereignty, applies to all other Territories as well as to colonies.

Every nation has the abstract right generally, and not in reference to her colonies alone, to close or to open her ports to foreign vessels or merchandise, and to grant the indulgence wholly or partially, conditionally or unconditionally. This right has been, and continues to be, exercised occasionally by every nation, in the shape of navigation, prohibitory, and restrictive laws, operating unequally on different nations.

The real distinction between the trade of foreigners with colonies, and that with other territories, seems to consist not in a greater or less complete right, but in a difference in the usage and practice. It has long since been found that, if commerce with foreign nations was advantageous, it was necessary, in order to enjoy it, to suffer them to participate in it.

That an exclusive monopoly of the colonial trade was not the best mode of preserving colonies, or of promoting their prosperity, is a recent discovery. But, since the late final separation of the greater part of the continent of America from the mother countries, and now that more enlightened views prevail, as respects the remaining colonies, the former peculiar character of the colonial trade is almost lost. The abstract right being the same, and the ancient system of colonial policy having been nearly abandoned, it is difficult to perceive any striking difference between the trade with colonies and that with the mother country.

These are general observations, drawn from the undersigned by the repeated references to an abstract right, which is not questioned, and by the effort to consider still the commerce with colonies as essentially differing from every other. But the intercourse between the United States and the British West Indies, has in fact always been considered by both parties as of a peculiar character, which distinguished it from every other species of colonial trade; and the declarations of the United States to participate in that commerce, are of a much earlier date than Mr. Canning seems to have been aware of.

As early as the year 1783, the Government of Great Britain, deviating from that principle of the colonial system, according to which her colonies were prohibited from trading directly with any other country, allowed her West India colonies to trade directly with the United States of America, in British vessels. This permission had been continued almost without any interruption till the year 1822, when a more extensive change in the colonial policy superseded that partial measure. And during the European War, Great Britain found it convenient [not] occasionally, but repeatedly, to open her West India ports

to American vessels; at the same time that she was asserting the principle, uniformly denied by the United States, that a neutral was not authorized by the laws of nations, to carry on in time of war a trade with a colony, in which he was not permitted to participate in time of peace.

Had Great Britain, adhering to her colonial system, interdicted the intercourse altogether, and always, in war as in peace, in British as well as in American vessels, no claim on that subject would or could have been advanced by the United States. But that trade having been allowed by Great Britain, it may be said, from the beginning, and at all times, became thereby so far assimilated to that with her European dominions, that the United States did think that they had the same claim to a participation in both. The serious difficulties in which they were involved more than once, by the pretensions of Great Britain, to adhere to what has been called the rule of the seven years war, rendered it also questionable whether it might not be better policy to reject, in time of war, a trade which was not allowed in time of peace, or to claim, in time of peace, that which was allowed in time of war.

The United States always did believe that the compensation for what Great Britain considers as a concession, as a boon, was found in the advantages resulting to her from the trade itself. And it must not be forgotten, that she, as well as all other nations, participates gratuitously in the trade of countries, which, as colonies, were till lately closed to foreigners, which, had they fallen into her hands, would have still been considered as such, and which, by their incorporation with the United States, have been thrown open to the world. Indeed, had Louisiana belonged to any other country, and been its only colony, the admission therein of British vessels and commerce as contemplated by the Act of Parliament of 1825, would alone have been sufficient to extend to such country the privileges offered on certain conditions by that Act.

Taking all the facts and circumstances which have been stated into consideration, the United States have been of opinion that they might, without violating the regard due to the usages and opinions of others, claim to treat on that subject as on that of any other commercial intercourse, and on the basis of equal and reciprocal conditions.

The claim has accordingly been brought forward, and considered by both parties as a fit subject for nogotiation, from the time when any of a commercial nature first commenced between the two countries.

An article on that subject made part of the treaty of 1794, but was found so inadequate, and was accompanied by such restrictions and conditions, as to induce the United States to reject it at the risk of losing the whole treaty.

The sixth article of the unratified treaty of 1806, stated that "the high contracting parties, *not having been able to arrange at present, by treaty*, any commercial intercourse between the territories of the United States and His Majesty's Islands and Ports in the West Indies,

agree that, *until that subject shall be regulated in a satisfactory manner*, each of the parties shall remain in the complete possession of its rights in respect to such an intercourse." A similar reservation of rights made part of the Convention of 1815, renewed and prolonged in 1818.

In the negotiation of 1818, and in every subsequent one relating to the colonial intercourse, the determination of the United States, to conclude no arrangement unless founded on a fair reciprocity, has been distinctly avowed. The undersigned had always understood, that however differing as to the extent of the intercourse and other important points, that basis had not been objected to on the part of Great Britain.

Every article indeed proposed then or since by her, has the appearance of that character: and the preamble of the counter-projet offered on the 4th of June, 1824, by the British Plenipotentiaries, states, that "His Britannic Majesty and the United States of America, being desirous to regulate, by mutual agreement and on *principles of just reciprocity*, the trade now open under their respective laws, between the United States and the British colonies in North America, and the West Indies, have." &c.

The third proposed article again declares it to be "the desire and intention of the high contracting parties to place the trade in question on *a footing of just reciprocity*."

It is believed that the difficulties which have prevented an arrangement satisfactory to both parties, have been wholly unconnected with questions of abstract right; that they may, especially at first, have arisen in part from a reluctance, on the part of Great Britain, to depart too widely from her colonial policy; that, so far from being due to any objection to the principle of reciprocity, they had lately originated principally in a mutual apprehension that the proposals of the other party were a departure from that principle. The failure of an attempt to make an amicable arrangement, left each party to pursue its own course. And the natural consequence has been, that the measures adopted by either may not have been always satisfactory to the other; that occasionally they may have been carried beyond what the occasion required. A discussion of all that has been done in that respect on both sides, would at present be unprofitable. The undersigned will confine his observations to those enactments which appear to have been most obnoxious to Great Britain, and are to be found in the Act of Congress of 1823.

The first is the provision of that act, whereby discriminating duties on British vessels and merchandise, coming from the British Colonies, were not to cease, until it was ascertained that no higher duties were levied in the said Colonies, on American vessels and merchandise, than upon British vessels and like merchandise imported from elsewhere, that is to say, from other British territories, as well as from other countries. That provision might appear unusual and objectionable, but might have been expected.

The principle was implied in the article proposed by the American Plenipotentiaries in 1818, at which time the object was explicitly stated and discussed: and it was distinctly expressed in another article

proposed by the United States, as supplementary to the Convention of 1818, and delivered on the 13th June, 1819, to Lord Castlereagh by Mr. Rush.

Prior to the time when protecting duties were laid upon American produce, imported into the British West Indies, the United States had made proposals, intended either to prevent that contingency, or to reserve the right of countervailing the protecting by discriminating duties. After the protecting duties had been actually laid by the act of Parliament of 1822, they did, on the same ground, continue those alien duties, which, on account of the other provisions of that act, would otherwise have been revoked.

That claim, on their part, was at all times considered as inadmissible by the British Government. It was always said that every country had a right to protect its own produce, that Great Britain would protect that of her Colonies, that the demand of America was no more founded in reason or usage, than if the British Government should ask that the sugar of her Colonies should be placed by the United States, as respected duties, on the same footing as that of Louisiana.

To this it was answered, that the general principle advanced by Great Britain was unquestionable: but that, so long as she regulated the Colonial trade on principles different from those which she applied to the commerce with her European territories, so long as she did not treat them as integral parts, but as dependencies of her empire, the United States must necessarily consider them, in a commercial point of view, as distinct countries.

Mr. Canning has deemed it necessary to say, that it cannot be supposed that Great Britain had precluded herself from extending to other nations the privilege of trading with the British West Indies, in the first instance granted in effect exclusively to the United States: a supposition which certainly never was made. And he has added, that the question was now no longer, as in 1820 or 1822, between the United States and Great Britain, but between her and all the nations of the old and new world, to all of whom she had tendered access to her colonies. Whether this last measure should produce any change in the policy of Great Britain towards the United States, is of course a question for her to decide. As respects them, so far from thinking themselves affected by the opening of the British Colonies to other foreign nations, so far from considering this as interfering with their commerce, or, in any way, as a subject of apprehension, they have hailed that measure as an important step towards that entire freedom of trade, which it is their interest and their avowed wish should become universal. And considering that the British Colonies had been thus in a commercial point of view nearly assimilated to the mother country, and might no longer be viewed as distinct countries, it became one of the principal motives for authorizing the undersigned to desist from the ground heretofore assumed, on the subject of the protecting duties laid by Great Britain on the produce of the United States, imported into her Colonies, and thereby to remove the principal obstacle which had, till then, prevented an amicable arrangement on the

subject of the Colonial trade. It is hardly necessary to add, that the instructions which gave that authority, were drawn at a time when there was not the least expectation on the part of the Government of the U. States, that it was intended by that of his Majesty's to interdict the intercourse, and to decline the renewal of negotiations on that point.

The other enactment of the act of Congress of 1823, on which Mr. Canning has especially animadverted, is that which forbids any British vessel, unless having come directly from the British West India Colonies, to clear from a port of the United States, to any of those Colonies. It is said that *this right has been denied* to Great Britain by the United States, not perhaps in contradiction to the letter, but *undoubtedly in deviation from the spirit of the treaty of* 1815. Such serious charge the undersigned is bound to repel.

The argument adduced in support of that assertion, rests on the gratuitous supposition that the privilege which, before the Convention of 1815, British vessels coming from other ports than the British West India Colonies, enjoyed, to clear from a port of the United States to those Colonies, was a *right* instead of a permission, which indeed was not granted to them especially, but which they had in common with all other vessels, from whatever port they might have come. The United States had the undoubted right to grant or to withhold that permission, and in that, as in every other case where the right was not restricted by treaty, to regulate the intercourse in foreign vessels between their own and foreign territories, of every description, as suited their convenience. And this general right, which existed before the Convention of 1815, was by that compact preserved expressly and without exception as respected the intercourse between the United States and the British West Indies.

The indirect intercourse alluded to is so intimately connected with the trade in general, that a reservation, whereby the United States, whilst allowed to forbid the direct intercourse, would have been bound to permit it to be carried on indirectly in British vessels, would have been useless and nugatory. Since British, having in this respect a decided advantage over American vessels, on account of the circuitous voyages which they may make from England to the United States, and thence to the West India Colonies, it was precisely the branch of the trade against which it was most important for the United States to preserve the right.

That right was actually enforced under the American navigation act of 1818, without being objected to, or being made a bar to negotiations. When the general restrictions of this act were repealed by the act of 1823, this particular provision was in substance retained; and the undersigned understands that his Majesty's Minister at Washington objected to it, not as being a deviation from the Convention, but because he erroneously believed that it had not its counterpart in the acts of Parliament then in force. In 1824 that provision appears to have been adverted to by the British Plenipotentiaries, only for the purpose of remarking that it confined British vessels to a direct trade in the same manner as American vessels were restricted by the act of Parliament, and even to a greater degree.

It may be here observed, that neither this, nor any other provision of the act of Congress of 1823, would at this time have interposed any obstacle to the favorable issue of a negotiation upon the intercourse between the United States and the British Colonies. But, as respects the preliminary condition, without which the British Government cannot consent to enter into any renewed negotiation on that subject, the undersigned is at a loss how to construe it. It cannot seriously be expected by his Majesty's Government that the United States, even if it had not been mentioned as a preliminary condition, should repeal their restrictions on British vessels, when not only the intercourse is altogether prohibited in American shipping, but when they are with frankness informed that a removal of that interdict will not, as a matter of course, follow such repeal on their part. What renders that allusion to a repeal of the enactments of the act of 1823, still less intelligible, it perhaps only affords an additional proof that both Governments may occasionally overlook some of the provisions contained in the laws of the other, is, that it is provided by the sixth section of that act, that it shall cease to operate if at any time the intercourse in American vessels should be prohibited by a British Order in Council, or act of Parliament, and that, in such case, the acts of Congress of 1818 and 1820 shall revive and be in full force. That contingency has actually taken place. As a natural consequence of the Order in Council, the act of 1823 ceases to be the law of the United States after the 1st of December next. And the act which Mr. Canning allows to have been justified, will again revive.

The intercourse, direct and indirect, will then be prohibited by the laws of both countries. Where there is no commerce, there can be no discriminating or other duties. The two countries will again be placed, as respects that intercourse, in the same situation in which they were before the act of Parliament of 1822, and that of Congress of 1823.

If there is any difference, it will consist in this: the right of Great Britain both to decline to negotiate, and to continue her interdict of the intercourse, even if the United States should accede to the conditions of the act of Parliament of 1825, is incontestible. The undersigned begs leave, however, to suggest, that an act excluding the United States from a trade open to the rest of the world, is, as a *permanent measure*, of a different character from a general exclusion of all foreign nations.

The undersigned requests Mr. Canning to accept the assurance of his high consideration.

ALBERT GALLATIN.

Upper Seymour Street, September 22, 1826.

Mr. Vaughan to Mr. Clay.

WASHINGTON, *September* 28, 1826.

SIR: I have the honor to communicate to you the substance of a despatch which I have this day received from his Majesty's Secretary

of State for Foreign Affairs, in which I am directed to announce to you the determination of His Majesty's Government to allow the provisions of the act of 1825, which regulates the commerce with British Colonies, to have their course.

In resorting to this determination, the conduct of his Majesty's Government is open to the imputation of tardiness, rather than to that of precipitation.

A hope had been entertained that the late session of Congress would not have been suffered to pass by, without the adoption of some measure, on the recommendation of the President, for the abolition of the discriminating duties, which, for three years past, have been levied in the ports of the United States, on British vessels, trading between the United States and the British Colonies in North America and the West Indies.

A proposition made by his Majesty's Government to the United States, through the British Plenipotentiaries, in the late negotiations carried on in London—a proposition, having for its object the reciprocal abolition of all discriminating duties levied on colonial intercourse, has been, since the Summer of 1824, under the consideration of the American Government.

An act of Parliament, passed in July, 1825, which, while it offered the liberty of trading with the British Colonies to all nations, limited that liberty "to the ships of those countries which, having colonial "possessions, should grant the like privileges of trading with those "possessions to British ships, or which, not having colonial posses-"sions, should place the commerce and navigation of this country and "of its possessions abroad, upon the footing of the most favored na-"tion."

The United States have no colonial possessions, but they might have placed the trade of his Majesty's colonies in America, in British vessels, upon the footing of the most favored nation in the ports of the United States, and they have not done so.

It would have been infinitely more agreeable to his Majesty's Government, that the liberal disposition manifested by England towards the United States, should have produced a corresponding disposition on the part of the American Government.

But, finding themselves disappointed in their long cherished hope that such would be the course of the Government of the United States, it remains for them only to let the provisions of the act of 1825 take their course.

I seize this opportunity to renew to you the assurances of my high consideration.

CHAS. R. VAUGHAN.

Mr. Clay to Mr. Vaughan.

DEPARTMENT OF STATE,

Washington, Oct. 11, 1826.

SIR: I have received and submitted to the President of the United States the note which you did me the honor, on the 28th ult. to address

to me, communicating the substance of a despatch which you had received from the British Secretary of State for Foreign Affairs, in which you were directed to announce the determination of His Britannic Majesty's Government to allow the provisions of the act of Parliament of 1825, regulating the commerce with British colonies, to have their course.

The Government of the United States have ever been anxious that the trade between them and the British colonies should be placed upon a liberal and equitable basis. There has not been a moment, since the adoption of the present Constitution, when they were not willing to apply to it the principle of fair reciprocity and equal competition. There has not been a time, during the same period, when they have understood the British Government to be prepared to adopt that principle. When the Convention, in 1815, was concluded, the American Government was desirous of extending its principles to the British possessions in the West Indies, and on the continent of North America; but, at the instance of the British Government, those possessions were expressly excepted from the operation of the Convention. Upon the agreement, in 1818, between the two Powers, to prolong the operation of that Convention, the British Government had not made up their mind to extend its principles to those possessions. It would be as painful as unnecessary to enter into a detail of all the countervailing acts of legislation which, subsequent to that period, were resorted to by the parties, in which the struggle on the side of Great Britain was to maintain her monopoly, and on that of the United States, to secure an equal participation in the trade and intercourse between them and the British colonies. In 1824, a negotiation was again opened between them on this and other subjects, through Mr. Rush, and Messrs. Huskisson and Canning, at London, and a gleam of hope broke out of the reconciliation of the two parties on that long contested matter; but, as there were one or two points in relation to it on which they could not agree, the negotiation was suspended, with an understanding that it should be again renewed at some early day, after the two Governments had fully deliberated on the questions which prevented an agreement. Mr. King was sent to Great Britain by the United States, as their Plenipotentiary, in the Spring of 1825, and, but for the state of his health, which compelled his return, and rendered necessary the appointment of a successor, would have entered upon the negotiation. In the mean time, in July, 1825, the British Parliament passed the act referred to in your note; but no copy of that act has ever, at London or at Washington, been officially communicated to the Government of the United States by the British Government; nor has there been communicated to this Government any expectation of His Britannic Majesty's Government that the regulation of the intercourse with the British colonies should be effected by mutual acts of legislation. The Government of the United States, on the contrary, has reposed in full confidence that it was the view and wish of both parties that, on the resumption of the suspended negotiation, that subject should be again taken up and provided for; and, accordingly, Mr. Gallatin has carried with him in-

structions which we had every reason to hope and believe would enable him to concur with the British Government in an adjustment of it on terms which would be entirely satisfactory to both parties.

Judge then, sir, of the surprise and regret which the President must have felt on receiving the information conveyed in your note. If the British act of Parliament were intended in the nature of a proposition to the Congress of the United States, it should have been officially communicated for their consideration, accompanied by those explanations which the complexity of the British system, and the terms of the act, rendered necessary—explanations the more necessary to a foreign Government, since the act has been differently interpreted by British authorities at different places, and, it is believed, at the same place at different times. If the British Government had recollected that the subject of this intercourse was comprehended in the negotiation which both parties expected shortly to resume, it is difficult to understand on what foundation it should have placed the hope that Congress, on the recommendation of the President, would have abolished the discriminating duties. Supposing the American Government prepared to consent to their abolition, two modes of accomplishing the object presented themselves: one by treaty, and the other by acts of separate legislation. The two Governments had selected the former as the more eligible, by opening a negotiation, of which there was only a temporary suspension. The terms of the British act of Parliament are general, applying to all foreign nations; and doubts, at one time, were entertained here, whether it was intended to apply at all to the United States, or not. If, during the three past years, the alien duties have been levied on British vessels entering the ports of the United States, during the greater part of the same period, duties professed to be equal and countervailing, but really exceeding them, have been levied on vessels of the United States in the British colonial ports. If they have been discontinued, it has been done voluntarily by the British Government. The Government of the United States has not, and would not have complained, during the continuance of their alien duties, of the imposition of equal duties in the British ports.

It is true, that the proposal by the British Plenipotentiaries to Mr. Rush, was made about two years ago, and that it has been under consideration of this Government since it was received, Mr. Gallatin is now in full possession of the decision of the President, and the causes which have prevented an earlier communication of it are well known to the British Government. But if these causes had not existed, the lapse of time would not be extraordinary, especially when compared with that which had passed between the proposal of the American Government in 1815 and 1824. The act of Parliament was only passed in July of the last year. The operation commenced in January. It made a very great alteration in the British Colonial system. Its provisions were numerous and complicated, and it referred to other acts, also containing numerous provisions, all of which it was necessary to understand. Under these circumstances it could not be deemed unreasonable, if the American Government had required some time to ascertain the nature and effect of these changes.

If the President finds in the measure itself which you have announced, just occasion for surprise, the moment which was selected for its promulgation in England, is calculated to augment it. The moment was that of Mr. Gallatin's arrival in England, charged with full powers and instructions to arrange this affair upon the most liberal terms, and such as was confidently believed would be satisfactory to Great Britain. And you have, doubtless, long since communicated to the British Government the substance of conversations with me, in which you were informed that he would take with him instructions, framed in a conciliatory spirit, on all the points embraced in the negotiation which was commenced in 1824.

If the President does not require a revocation of that part of the Order in Council which prohibits the admission of vessels of the United States, after certain specified days, into certain British colonial ports, as a preliminary to all negotiation on the subject, it is because, *faithful to* the desire which he anxiously entertains of preserving the harmony and amity between the two countries, he will not follow the unfriendly example which has been exhibited by the British Government. He still cherishes the hope, that the discussions between Mr. Gallatin and the British Government will terminate in an adjustment of the Colonial intercourse, which may advance the interests of both Countries.

I request that you will accept assurances of my distinguished consideration.

HENRY CLAY.

The Rt. Hon. C. R. VAUGHAN,
Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

Mr. Clay to Mr. Vaughan.

DEPARTMENT OF STATE,

19*th October*, 1826.

SIR: In a conversation which I had the honor of holding with you at the Department of State a few days ago, I inquired of you whether, under the act of Parliament of July, 1825, American vessels were allowed to export to foreign countries other, than the dominions of Great Britain, the produce of the British West India Islands, in like manner with British vessels, and at that time you could not inform me. Perhaps the late arrivals may enable you to supply the information. I have, under that hope, to request that you will inform me whether, according to the British interpretation of that act of Parliament, American vessels may export to, and import from, foreign countries, other than the dominions aforesaid, the produce and manufactures of those countries and colonies respectively, in like manner with British vessels; and, also, whether all discriminating duties and charges imposed, either by the local authorities of the British Colonies, or by the British Parliament, between vessels of the United States and

British vessels, have been abolished. The importance of a solution of these inquiries will readily present itself to you.

I avail myself of this occasion to renew to you a tender of my high consideration.

H. CLAY.

To the Rt. Hon. C. R. VAUGHAN,
Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

Mr. Vaughan to Mr. Clay.

WASHINGTON, *October* 20, 1826.

SIR: I am sorry that it is not in my power to answer satisfactorily the inquiry which you make in your note of yesterday, whether, under the act of Parliament of July, 1825, American vessels were allowed to export to foreign countries, other than the dominions of Great Britain, the produce of the British West Indian Islands, in like manner with British vessels.

I am not in possession of any documents which can lead me to put a construction upon the meaning of that act, beyond the import of the words in which its provisions are conveyed.

I can only refer you, therefore, to that act, from whence you will be able to draw a just conclusion of the rule which it is intended should govern the commercial intercourse with British Colonies.

I request that you will accept the renewed assurances of my distinguished consideration.

CHARLES R. VAUGHAN.

The Hon. H. CLAY, *Secretary of State.*

No. 14.*

To ALBERT GALLATIN,
Envoy Extraordinary and Minister Plenipotentiary of the United States, London.

DEPARTMENT OF STATE,

Washington, 11th November, 1826.

SIR: Agreeably to the intimation given in my letter, under date the 31st ultimo, I proceed to communicate to you the view which has been taken here of the official note of His Britannic Majesty's principal Secretary of State for Foreign Affairs, addressed to you on the 11th September last.

If the British Government had contented itself with simply announcing in that note, its determination no longer to treat with that of the United States, on the intercourse with the British colonies, however unexpected by us such a determination would have been, we might

*This despatch was transmitted to Mr. Gallatin prior to the receipt of his answer of the 22d September, to Mr. Canning's note of the 11th of the same month.

have felt ourselves bound silently to acquiesce in the declared pleasure of His Britannic Majesty's Government. Two parties, at least, are necessary to the conduct of any negotiation, and if one absolutely declines treating, the other, of necessity, must abide by his decision. But the British Government, not satisfied with merely communicating the fact of its resolution, no longer to negotiate with the United States, for an arrangement of the colonial trade, which might reconcile the interest and wishes of both parties, brings forward new principles, to some of which we cannot subscribe, and seeks to cast upon us the *blame* of the want of success which has attended past endeavors to effect that object, which we cannot admit. The frankness which has ever characterized all our correspondence with the British Government, requires that our objections to those principles, and our dissent from such an imputation should be respectfully stated. In doing this, I will begin with a brief statement of certain general propositions, which are supposed to be incontestible.

It is the undoubted right of every nation to prohibit or allow foreign commerce with all, or any part, of its dominions, wherever situated, and whatever may be their denominations, parental or colonial, or the modes of Government in the respective parts. It may prescribe for itself the conditions on which the foreign trade is tolerated; but these conditions are not obligatory upon other nations, unless they, in some form, assent to them. All such conditions, in respect to foreign Powers, are in the nature of proposals which they are as free to accept or decline, as the other party was to tender them. If a nation has colonies it may unquestionably reserve to itself, exclusively, the right of trading with them.

But it cannot be admitted, that, in regard to foreign Powers, there is any thing in the nature and condition of colonies, or in the relation which subsists between them and the country to which they belong, which distinguishes the power of regulating their commerce from that which is exercised over the parent country. That parent country may have its motives of jealousy or policy for a rigorous exclusion of all intercourse between its colonies and foreigners. But the moment it chooses to relax and open its colonial ports to a foreign trade, whether the relaxation is moved by a temporary or permanent interest, or necessity, the right is acquired by foreign States to examine and judge for themselves the conditions on which they are proposed to be admitted, and to reject or accept them accordingly. This right of foreign nations is conceded, in the official note which I am considering, when the colonial power is urged, by the pressure of immediate wants, to throw open, for a time, its colonial ports, but is denied when it chooses to open them permanently. The right, in both instances, rests upon the same ground, and that is, that, in all commercial exchanges, national or individual, the parties to them are equal, and have the same independent power of judging each for himself; and there is much more reason, on account of the greater duration of the interest, that the right in question should be exercised in a permanent than a temporary trade.

All commerce is founded upon mutual convenience and advantage. And this principle is equally applicable to a commerce with colonial possessions, and with the country to which they belong, or to any other country. In trading with any colonies, we have no more imagined that a privilege had been gratuitously conceded to us, than that we had made such a concession to the colonial power, in allowing its colonies to trade with the United States. It cannot, therefore, be admitted, that any other compensation is due from the United States to Great Britain for the permission to trade with her colonies, than that which springs from the mutual exchanges which are the object of that and of all commerce. If the prosecution of any given trade be found upon experiment unprofitable to either party, that party will no longer pursue it; and we may safely confide in the discernment of individuals to repress or stimulate adventure according to the loss or gain, which may be incident to it. The British Government, fully sensible of this salutary law, was supposed, in the recent liberal commercial policy which it professed to have intended, by the example of her homage, to have inculcated its observance upon all nations.

The idea, that the admission into Colonial ports of foreign vessels is a boon granted by the parent country, that is, a benefaction without equivalent, is as new as it is extraordinary. In that intercourse which has been allowed by the British Government between its Colonies and the United States, never fully opened, sometimes entirely closed, and when reluctantly admitted, fettered by numerous restrictions, we recognize any thing but a boon. The leading motive which appears to have actuated the British Government, in respect to the exchange of American and Colonial produce, has been to sell here, what could be sold, if sold at all, no where else so profitably, and to buy of us exactly so much as she could obtain no where else, at least so profitably.

On our side, whenever the trade has been open, there have been no restrictions, as to the objects of exportation from the United States to the British Colonies. An enumeration here of the numerous prohibitions and restrictions on the British side, upon articles both of Colonial and American produce, would extend this paper to a most unreasonable length. And with respect to the transportation of the subjects of this limited trade, the aim of the British Government has been, by all its regulations, to engross a disproportionate share.

This intention was clearly developed in the treaty of 1794, and has been adhered to, with steady perseverance, during the thirty-two intervening years. Such an intercourse deserves to be characterized in any other way than that of a British boon to the United States.

It cannot be admitted, that the fact that the United States have no colonies, varies the principles applicable to an intercourse with the British Colonies. In the consideration of the conditions on which a foreign trade shall be tolerated, it is of no consequence what name, or what government, a State may choose to bestow on the several parts of its dominions. Some of the territories of the United States are governed by peculiar local forms, altogether different from those of the States of the Confederacy, but we have never contended that this ano-

may ought to affect the regulation of our commercial intercourse with foreign Powers. A country having no colonies, may be so situated as to afford the same kind of productions, as both another country and its colonies. And there may be a greater difference in the nature and value of the productions of two different countries, neither of which have colonies, than exists between those of a country and its colonies, and another which has no colonies. It might as well be argued that the fact of twenty-four States composing this Union, entitles it to demand concessions from all other Powers whose territory is not divided into an equal number of similar parts, or that the United Kingdom, being constituted by the union of three kingdoms, would be justified in demanding, upon that ground, from any Power, composed only of a single kingdom, more than it granted. In all commercial intercourse between different Powers, the question resolves itself into one of profit and loss. If it be the interest of the parties, that the trade should be allowed, it is altogether immaterial how those territories are governed or divided; both have an equal right to judge of the conditions of the intercourse. It would be most strange if the fact of a foreign State (Sweden for example) possessing a Colony no matter how unimportant, entitled such State to treat on different principles with Great Britain, in respect to an intercourse with her Colonies, from the United States.

Neither can it be admitted that the possession of Colonies entitles the nation holding them, to the exclusive enjoyment of the circuitous navigation between the parent country, and a foreign country, through any or all of those Colonies, upon the ground of its being the prosecution of a Colonial trade, which is understood to have been taken by Great-Britain. If the connexion between the United Kingdom and its numerous Colonies is to be regarded in the light of that of a continuous coast, it must be allowed that this coast has very great extent. It passes around Cape Horn, doubles the Cape of Good Hope, crosses the Atlantic Ocean, penetrates almost every sea, touches every continent, and encircles the Globe. A *Colonial coasting trade* of this universal reach, presents none of the properties of an ordinary coasting trade, except that of the identity of sovereign power. The foundation on which nations are supposed to reserve to themselves, exclusively, their own coasting trade, is not merely that of monopoly, but principally because they are thereby better enabled to check all invasions of their own laws—a reason which is inapplicable to the widely dispersed condition of the British Colonial possessions.

Entertaining such opinions as have been herein stated, in regard to the power of commercial regulation, the Government of the United States has always conceived that the trade between them and the British Colonies was open to all considerations, which are applicable to any other trade, and that it was consequently a fit subject of arrangement by treaty, or in any manner by which any other trade might be regulated. Great Britain may, undoubtedly, if she pleases, deny to herself the advantage of consulting with foreign Powers, through the accustomed organs of intercourse, as to the conditions on

which, with mutual benefit, the trade may be carried on. But if she chooses to restrict herself to the single mode of regulating it by act of Parliament, it cannot be admitted either that such restriction is a necessary consequence from the nature of Colonies, or, as will be hereafter shown, that it is in accordance with the practice of the British Government itself.

The British Secretary of State alleges that, in 1822, the British government opened the Colonial intercourse to us, and withheld it from all other Powers; that, in effect, we thereby acquired a monopoly in the supply of the consumption of the British West Indies; but that Great Britain did not preclude herself from the right to open her colonial ports to other nations whenever it might suit her purposes. We did not ask that Great Britain should shut her Colonial ports to other Powers. The occlusion was, no doubt, in consequence of the estimate which she made of her own interests, without any intention to confer an exclusive benefit upon us, as the opening of them by the act of 1825 is according to a similar estimate. We have no right to complain, and never have complained, that Great Britain seeks for the United Kingdom and for its Colonies the best markets for sale and purchase, any more than we anticipate any complaint from her, if, when we are driven from her Colonial ports, we should exercise the like liberty. If she has reason to felicitate herself that, by the course of events, she is enabled to draw from other sources those supplies which her Colonies had been in the habit of obtaining from the United States, we have, perhaps, occasion for equal congratulation that, by the same or other events, markets have been opened to us, which may be found ample substitutes to those which it is her pleasure to close against us.

As to the monopoly which it is alleged we have enjoyed, it should be observed that the relative position of the British West India Colonies to the United States, and the nature of their respective climates and productions, are eminently favorable to a mutually beneficial commerce between them. From their proximity to the United States, they find their convenience in drawing from us those perishable and bulky articles which they want, rather than from more distant countries. If the West India Islands were situated on the European instead of the American side of the Atlantic Ocean, and Europe could supply as cheaply and abundantly the same description of articles as the United States, the British West India Colonies would prefer obtaining their necessary supplies from Europe. The United States contribute to other West India Colonies, in as great extent, and share in the navigation between them as largely as they do in their intercourse with those of Great Britain. This is the effect of the law of proximity. If it be a monopoly, it has emanated from no human power, but from a much higher source. Far from repining at the dispensations of Providence, nations, contented with the portion of his bounty which has been allotted to each, would do well to acquiesce, with cheerful submission, in the arrangements of the Universe, which, in his wisdom, he has thought proper to order.

The United States have never made it a subject of serious complaint that, for the indulgence which their laws have granted of unrestricted liberty of importation or exportation of whatever is produced or manufactured in the United States, or in the British Colonies, respectively, they have been met, in return, with a long catalogue of prohibitions and restrictions, including some of the staple commodities on both sides. Although they have desired the abolition of those restrictions, they have left it to the sole and undisturbed consideration of the British Government, whether the prosperity of their Colonies themselves, would not be best promoted by the application to the intercourse of those liberal principles which have obtained the sanction of the present enlightened age. The Government of the United States has contented itself with insisting that, circumscribed as the trade has been, according to the pleasure of the British Government, the regulation of the navigation employed in it should be founded on principles of reciprocity, so as to allow fair competition between the vessels of the two countries.

The position now assumed, that Colonial trade with foreign States is not a fit subject for negotiation with those States, but belongs exclusively to the regulation of the parent country, is entirely new. It is not sustained by the practice of other Powers having Colonies. It is not sustained by the practice of Great Britain herself; and this brings me to the consideration of what has passed between the two Governments in relation to this trade.

They negotiated on that subject, to go no further back, in the year 1794. Their negotiations resulted in the 12th article of the treaty of Amity, Commerce, and Navigation, which was then concluded. The very fact of treating, between two independent States, implies the right in each of considering and determining the mutual propositions which may be offered. The two Powers again negotiated on the same subject in 1796, and because the Government of the United States did not conceive that the concessions of Great Britain, contained in the 12th article of the treaty of 1794, were equivalent to the concessions on their side, it was annulled. They again negotiated in 1815, and actually entered into stipulations which, as you well know, form a part of the convention of the third of July, of that year, for the regulation of the British East India trade; but, not being able to come to any agreement, in regard to the British West India trade, it was left to the two countries to regulate this subject by their respective laws. On that occasion, it was stated by Lord Castlereagh, that the British Government would not regard as unfriendly, any measure which the United States might think it expedient to put into operation for the regulation of that trade. And, to guard against all misconception, it is moreover expressly provided in the treaty itself, that "the intercourse between the United States and His Britannic Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the *complete* possession of its rights with respect to such an intercourse." With

what propriety, then, can it be affirmed that, "to withhold from the ship of a country having colonies, trading from the mother country to a foreign State, under a regular treaty between the two countries, the right of clearing for another port belonging to that mother country, in another part of the world, is an injury"—an injury, "*undoubtedly* in deviation from the spirit of the treaty." The regular treaty referred to, excludes, by its positive terms, all regulation of the intercourse between the United States and the British colonies in the West Indies. And yet it is contended, that Great Britain has the right, according to the spirit of the treaty, not only to the benefit of the application of its provisions, to a subject which it alone professes to regulate, but to have them applied also to another subject which is expressly declared not to be regulated, and as to which both parties are left in the "complete possession" of all their rights. And this is insisted upon, in behalf of Great Britain, without any corresponding privilege on the part of the United States. If the treaty be competent to carry a British vessel through the British West India ports to the United States, and vice versa whilst, under similar circumstances, those ports are to remain shut, by British authority, against a vessel of the United States, it would equally entitle such British vessel to pass through the ports of any and every country upon the globe, to and from the United States. The United States might, without any violation of the Convention of 1815, interdict all intercourse with the British West Indies, direct or circuitous. And surely the right to adopt the stronger and more comprehensive, includes the choice of the weaker measure, that of prohibiting to be done, by British vessels, what Great Britain prohibits under analogous circumstances, American vessels from doing. It is alleged that that right, from the enjoyment of which we are interdicted by British regulation, nevertheless existed in Great Britain antecedently to any treaty, and at a period when no claim to any trade with British colonies had even been whispered by the United States. As a *right* it never existed one moment, since the Independence of the United States. If the privilege were exercised, it was from their moderation and by their sufferance. Since that epoch we are unaware of any period of time, when the United States did not claim a reciprocal intercourse with the British colonies. The two countries again unsuccessfully negotiated, in relation to the colonial trade, in 1817, when Lord Castlereagh submitted a draft of four articles, which did not prove acceptable, and in 1818, and 1819, and finally in 1824. What was the footing on which the intercourse had been placed, by the laws of the two countries, at the period of opening that last negotiation, you will see by adverting to the instructions of my predecessor, under date 23d June, 1823, with a copy of which you have been furnished. The long and arduous discussions which took place between Mr. Rush and Messrs. Huskisson and S. Canning, in 1824, brought the parties very near together. Each exchanged with the other the proposal with which he would be satisfied but, as they could not then agree upon either, it was concluded to suspend the negotia-

tion, with a distinct understanding, on both sides, that it should be again resumed at some convenient day, [see protocol of the 25th conference, page 131 of the printed pamphlet.] From a comparison of the American and British proposals [see the former annexed to the protocol of the third conference, marked A, page 133 of the same pamphlet, and the British counter-projet, marked L, page 142—see also the British paper marked W, page 135,] it will be seen,

1. That both parties were willing to abolish all discriminating duties on either side.

2. That the British Government was satisfied, and actually offered, that the intercourse should continue restricted to the direct voyage, as it then was by the respective laws of the parties; that is to say, that an American vessel clearing from the British West Indies, with their produce for an American port, should be required to land her cargo in such port; and, on the other hand, a British vessel, clearing from the United States, with their produce, for a colonial port, should be required to land her cargo in such port.

But, thirdly, the point on which the parties could not then agree, was, that the United States insisted that American produce should be admitted into the British colonial ports, upon the same terms as similar produce received from any where else; that is, either from a British possession or any foreign country.

Such an equal admission of our produce was contended for, in pursuance of the enactments of the Congress of the United States in the act of March, 1823.

Thus the two parties amicably separated, I repeat, with the perfect understanding of each, that the negotiation, in which such encouraging progress had been made, should be resumed and brought to a final conclusion, at some future day. To that renewed negotiation the United States have invariably looked with the confident hope that, when the parties again met, they would be able to reconcile the only difference which obstructed an adjustment. They never could have dreamt that, without the smallest previous notice, and at the very moment of the arrival in England of a new American Minister, fully prepared to resume the negotiation, it was to be suddenly arrested, and the new ground for the first time taken, that the subject itself was of a nature to admit of no negotiation. Entire confidence being reposed on the resumption of the negotiation, as the means on which both parties relied, upon the recall of Mr. Rush in the Spring of 1825, Mr. King was sent to replace him, fully empowered to treat on all the subjects (including the colonial trade) of the previous negotiation. He was instructed, in the first instance, as being a subject of more pressing urgency, to invoke the interposition of the British Government, to remove the impediments to the execution of the St. Petersburg Convention, which had been created by the British commissioner at Washington. And he was informed that his instructions on the objects of the suspended negotiation, should be transmitted to him in time again to open it. They would have been so transmitted but that, upon his arrival in England, in the month of

June, 1825, he was indisposed, that he learnt that His Britannic Majesty was ill, and that Mr. Canning was also unwell, and, moreover, that the British Cabinet was dispersed over the island, or upon the continent, in the pursuit of health and recreation. Happily His Britannic Majesty and his principal Secretary of Foreign Affairs were restored to health. The British Cabinet did not reassemble until the Autumn of 1825, and Mr. King unfortunately remained feeble and unwell up to the period of his return to the United States, in consequence of his indisposition. If his instructions were not forwarded to him, it was because it was known that he was engaged in discussions respecting the St. Petersburg Convention, and it was believed that his languid condition did not admit of his entering upon the discharge of the more arduous duty of resuming the suspended negotiation. It would now seem to have been altogether useless to have transmitted them, the British Government having made up their mind, from the passage of the act of Parliament of July, 1825, to close the door of negotiation. Such a purpose was never hinted to the Government of the United States. On the contrary, as late as 22d March, 1826, Mr. Vaughan addressed an official note to this Department, in which he stated, "I have received instructions from His Majesty's Government to acquaint you, that it is preparing to proceed in the important negotiations between that country and the United States, now placed in the hands of the American Minister in London; Mr. Huskisson has been already introduced to Mr. R. King, as his Majesty's Plenipotentiary, and the Minister of State, having the department of Foreign Affairs, has received His Majesty's commands to associate Mr. Addington, late His Majesty's Chargé d'Affaires in America, with Mr. Huskisson, as joint Plenipotentiary on the part of Great Britain.

"The negotiations will therefore be forthwith resumed, and it will be for the Government of the United States to judge whether, considering the state of the health of Mr. Rufus King, which Mr. Canning laments to say has been, since his arrival in England, far from satisfactory, will join any other negotiator in the commission with him." If the British Government had then intended to bar all negotiation, in respect to the colonial trade, no occasion could have been more fit than the transmission of that note to communicate such intention. So far from any such purpose being declared, it is formally notified to the American Government that the British Government is *preparing* to proceed in the important negotiations, &c. and that the negotiations will be forthwith *resumed*, [of course including the colonial trade.] It appears from the same note, that the British Government was perfectly acquainted with the feeble condition of Mr. King, and therefore made the friendly suggestion of associating some other person with him to conduct the negotiation. Mr. Vaughan was verbally informed that we should prepare, as soon as practicable, to renew the negotiation, and that the state of Mr. King's health would be taken into consideration. The President did deliberate on it, and your willingness to be associated with Mr. King, in that public service, was ascertained.

In the mean time, and before the necessary arrangements could be made for your departure, a letter from Mr. King, under date the 21st day of March, 1826, was received, desiring permission to return, which was promptly granted, and you were immediately appointed, by and with the advice and consent of the Senate, to succeed him. Without any unnecessary delay you proceeded on your mission, charged with instructions, framed in the most amicable spirit, to renew the suspended negotiation on all points.

It is now necessary to turn back to the British act of Parliament of July, 1825. That act has never, to this moment, been officially communicated to the American Government by that of Great Britain, and it reached us only through other channels.

We did not suppose, whatever may be the general terms of its enactments, that it was intended to be applied to the United States, until, at least, the experiment of the renewed negotiation should have been tried, and should have failed. We entertained that supposition because both parties, by all their correspondence and public acts, appeared to regard the renewed negotiation as the means of settling the existing difference. We had other cogent reasons for that supposition. If the British Government intended irrevocably to abide by the conditions which the act of Parliament prescribed, we believed, not only that it would have been officially communicated, with a notification to that effect, but that the British Minister would have been instructed to give such information as might be necessary to enable us clearly to comprehend its provisions.

This information to a Foreign Government could not be deemed altogether unreasonable in respect to an act of Parliament, extremely complicated, spread out into eighty-six sections, besides various tables, and which was accompanied by a contemporaneous act relating to the same subject: also, containing numerous provisions, and both referring to other acts of Parliament, the titles of some of which are not even recited. Not only was no such information ever communicated, but you will perceive, from the accompanying correspondence with Mr. Vaughan in the last month, that, up to that time, he was not provided with instructions to afford a satisfactory answer to the inquiry, whether, according to the British interpretation of the act of Parliament, American vessels may trade between the British Colonies and foreign countries, other than the United Kingdom, in like manner with British vessels; and whether all discriminating duties and charges imposed, either by the local authorities or by the British Parliament, between vessels of the United States and British vessels, have been abolished.

The importance of the latter inquiry was increased by information which had reached us, that, lately, during the present year, the Government of Nova Scotia had passed an act by which American vessels were subjected to higher duties or charges than British. That we sincerely believed that negotiation, and not legislation, was the means by which it was expected an arrangement was to be effected by the parties, will further appear from a letter addressed by me, on the 25th

day of December, 1825, to a member of Congress, a copy of which is herewith transmitted. In that letter the opinion is expressed that the British Government could not have intended to apply the act of Parliament of 5th July, 1825, to the intercourse between the United States and the British Colonies because "1st. It would be inconsistent with professions made by that Government to this, and with negotiations between the two Governments contemplated, if not yet resumed: 2dly. No notice has been given at Washington, or at London, of such a purpose as that which, for the first time, is indicated at Halifax: 3dly. The British Minister here is unadvised by his Government of any intention to close the Colonial ports against our vessels: and 4thly No information has been received here from any British Colonial port, except Halifax, of such intention."

This letter was published in the American gazettes; a copy of it was furnished to Mr. Vaughan, which he is understood to have transmitted to his Government. And it is believed to have had some effect in producing the revocation of an order of the local Government, by which the port of Halifax was to have been closed against vessels of the United States from the 5th of January last. The order was, in fact, from whatever cause, revoked. And as that port, and all other British Colonial ports remained, after that day, open to our vessels, we were confirmed in the belief that the act, in the present state of the relations of the two countries, was not intended to be enforced on the commerce of the United States. This belief was further strengthened by the terms of the fourth section of the act, which are: "And whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever: And whereas, it is expedient that such permission should be subject to certain conditions; be it therefore enacted that the privileges thereby granted to foreign ships, shall be limited to the ships of those countries which, having Colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which not having Colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favored nation, unless his Majesty, by his order in Council, shall, in any case, deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign country."

Now his Britannic Majesty was thereby authorized, by his order in Council, if he should, in any case, deem it expedient, to grant the whole or any of the privileges mentioned in the section to the ships of any foreign country, "although the conditions aforesaid shall not, in all respects be fulfilled by such foreign country." This investment of power in the Crown to dispense with a strict compliance with the conditions of the act, in relation to any Powers like the United States, not having colonies, seemed necessarily to imply discussion, and conse-

quently negotiation, with such Powers. It is not the object, in bringing forward the facts and observations which have been stated in vindication of the American Government, to convey any reproaches against that of Great Britain, on account of the late unexpected resolution which it has taken. These facts and observations, however, shew that it ought not to excite any surprise that the Congress of the United States declined legislating on a matter which it appeared to them was both most fitting in itself, and preferred by Great Britain, to be settled by mutual and friendly arrangement. When deliberating on the only proposition which was made during their last session, that of a simple repeal of all discriminating duties, which it now appears would have been unavailing, and would have fallen far short of British expectations, they were unaware that they were acting under the pains and penalties of a British act of Parliament suspended over their heads: a non-compliance with the strict conditions of which subjected the United States not only to the forfeiture of all intercourse with the British Colonies, but was to be attended with the further consequence of terminating all negotiation even between the parties.

I will now proceed to a consideration of the specific conditions, required by the act of Parliament, the non-fulfilment of which is the professed ground of the late British order in Council. These conditions are understood to be contained in the fourth section of the act, which begins by reciting, "And whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods *the produce of those countries*, and to export goods from such possessions to be carried to any foreign country whatever: And whereas, it is expedient that such permission should be subject to certain conditions." It then proceeds to enact in respect to countries not having Colonial possessions, "That the privileges thereby granted to foreign ships shall be limited to the ships of those countries (not having Colonial possessions) which shall place the commerce and navigation of "*this* country, and of *its possessions abroad*, upon the footing of the most favored nation, unless his Majesty, by his order in Council, shall, in any case, deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not, in all respects, be fulfilled by such foreign country." In considering this act of Parliament, the first circumstance which commands attention is the marked difference which it makes in the conditions required of foreign Powers, between those which have colonies and those which have none. From the Colonial Powers it only demands that they should grant to British ships privileges of trading with their colonies, like those which the British law of navigation grants to those Powers, of trading with the British Colonies, that is to say: that such Powers should allow to British vessels the privilege of importing British produce into their colonies, and of exporting goods therefrom, to be carried to any country whatever, except the parent country. But, from the Powers having no colonies, the act demands that they should place the commerce and navigation, both of the United Kingdom and its posses-

sions abroad, upon the footing of the most *favored* nation. With the Colonial Powers the act proposes an exchange of Colonial trade for Colonial trade, exclusive of the trade of the parent country. With Powers not having colonies, it proposes to give the British Colonial trade only in exchange for a trade between those Powers and the United Kingdom, and all its possessions abroad. From the Colonial Powers it asks nothing but mere reciprocity; which, viewing the vast extent of the British Colonies, in comparison with those of any other Power, is only nominal. The act, on the contrary, is not satisfied with demanding from the Powers having no colonies, reciprocity of privileges, but it requires that, in consideration of the permission to import their Produce into the British Colonies, and to export therefrom produce of those colonies to any foreign country, except Great Britain, those Powers should at once extend to the commerce and navigation of the United Kingdom, and its possessions abroad, the full measure of all commercial privileges which they may have granted to the most favored nation. It is impossible not to see that this discrimination, made by the act of Parliament between different foreign Powers, operates exclusively upon the United States. All the maritime States have colonies and therefore will be let into the trade with the British Colonies upon the less onerous conditions. The United States are the only Power, not having colonies, which trades, or is ever likely to trade, in any extent with British Colonies. And, if they alone had been named in the second class of Powers described in the act, the application of its more burdensome conditions would not, in that case, have been more exclusively confined to them. The trade of the United States will bear an advantageous comparison with the trade of any of the Colonial Powers, either in its amount, or the value or variety of the articles which it comprehends, is greatly superior to that of most of them, and justly entitles us to demand from Great Britain as favorable terms as those which are extended to any of them. It is true that the act holds out the idea of some mitigation of these conditions in the authority confided to the King. But on what considerations his Britannic Majesty might be induced, by his order in Council, to exercise the dispensing power vested in him, is not stated in the act itself, nor have they been disclosed by any order in Council, or in any other manner which has come to our knowledge. The very investment of such a power, I repeat, implied friendly explanations and dis. ussions, and consequently the means of negotiation which the British Government now rejects as altogether inadmissible. Being, therefore, unable to ascertain the undivulged considerations which might have led to some relaxation or variation of the conditions of the Act of Parliament, we are confined to an examination of those speific conditions themselves.

They require that the United States, to entitle themselves to the permission of importation and exportation which is granted by the British law of navigation, should place the commerce and navigation of the United Kingdom, and of its possessions abroad, upon the footing of the most favored nation. The first observation occurring

is, that, at the very moment when the British Government is putting forth the new principle that the regulation of the trade of the parent country and of its colonies, depends upon two rules, essentially different, the one admitting, and the other excluding all consultation with foreign States; this act confounds them together, and requires not merely that we should place the British colonies upon the footing of the most favored colonies, but that, to entitle us to enjoy the privileges of an intercourse with those colonies, we must comply with the requirement of placing the navigation and commerce, both of the parent country and *all its possessions abroad*, on the footing of the most favored nation.

The first difficulty which is encountered, in ascertaining the precise nature and extent of the conditions prescribed by the act of Parliament, is, that it furnishes no definition of the terms, "the most favored nation," which it employs. According to one interpretation of those terms, they import the *gratuitous* concession of commercial privileges. According to another, they imply the nation which enjoys the greatest amount of commercial privilege, whether granted *with* or *without* equivalents.

That the first was not the sense in which the British Government intended to use those terms, we conjectured; because, if it were, nothing remained to be done by the American Government to bring itself within the conditions of the act of Parliament, and we apprehended that the British Government required some positive act. Great Britain, in that sense of the terms, is, in respect to the commerce and navigation both of the parent country and its possessions abroad, on the footing of the most favored nation. Whatever commercial privileges are granted by the United States to any foreign nation, by act of Congress, or by treaties, are founded upon equivalents. Holding out the principle of fair reciprocity to all nations, we neither ask, nor profess to bestow, commercial boons. Thus, in respect to alien or discriminating duties, we have not abolished them in behalf of any nation which has not professed to abolish them as to us. If they are now levied upon British vessels, coming to the United States from British colonies, countervailing duties are now also levied upon American vessels entering British colonies, and have been constantly, as Mr. Canning declares, from 1823. If the amount of American tonnage admitted to entry in British colonial ports, and of British tonnage entering American ports from British colonies, were exactly equal, the collection of duties on one side would neutralize the collection on the other. But, as there is much more American than British tonnage employed in the colonial trade, we pay a greater amount of those duties than Great Britain. And, consequently, if there were cause of complaint on either side, on account of their existence, it would be with us. It could not, therefore, have been in the first, but must have been in the second, meaning of the terms, that they are employed in the act of Parliament.

Great Britain is understood, then, to have demanded that the United Kingdom and its possessions abroad, should be allowed to enjoy, in the ports of the United States, the greatest extent of commercial

privileges which we have granted, no matter upon what ample equivalent, to any foreign nation whatever. In order to ascertain the latitude of concession thus required, it is necessary to glance, and it shall be done as rapidly as possible, at the state of our commercial relations with other foreign Powers.

By the general law of navigation (see 6th vol. of the laws of the United States, page 180,) it is enacted, that, after the 30th day of September, 1818, "no goods, wares, or merchandise, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless, that this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation.*"

Great Britain had, long prior to the passage of that act, adopted, and continues to enforce, the restriction on which it is founded; whilst almost all other nations have abstained from incorporating it in their navigation codes. A vessel, therefore, of the United States, on entering a British port, being limited by British law, to the introduction of goods the produce of the United States, a British vessel, on entering their ports, is limited to the introduction of goods being of British produce; whilst the vessels of all other nations, which have not adopted the restrictive regulation, are allowed, on entering a port of the United States, to introduce *any* foreign produce whatever, by paying the alien and discriminating duties, from which, vessels of the United States are exempted.

By particular arrangements with various Powers, some by treaty, and others by separate but reciprocal acts of the Governments of the United States and those Powers, the alien duties of the United States, are abolished as to them; and their vessels and those of the United States, are allowed the reciprocal liberty of importation and exportation at the same rate of duty upon both ship and cargo.

Thus, by the act of Congress of January, 1824, "so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly belonging to subjects or citizens of the Kingdom of the Netherlands, of Prussia, of the Imperial Hanseatic Cities of Hamburg, Lubec, and Bremen, of the Dukedom of Oldenburg, of the Kingdom of Norway, of the Kingdom of Sardinia, and of the Empire of Russia." And it enacts a like suspension of the discriminating duties on the cargo of any of the vessels of those several countries.

But it further enacts, that the suspension of those duties shall "continue in behalf of each of the above-mentioned nations, on condition that, and so long as, the vessels of the United States, and truly and wholly belonging to the citizens thereof, and all goods and mer-

chandise of the produce and manufacture thereof, laden therein and imported into any of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever, other or higher than is levied upon the vessels and merchandise therein imported, belonging to the subjects or citizens of each of the said nations respectively."

Thus, therefore, to comply with the conditions of the act of Parliament, we must 1st. have allowed British vessels to import into the United States the produce of any foreign country whatever, upon the payment of the alien duties, although vessels of the United States are and should have remained prohibited to import into British ports like produce upon any terms whatever. And 2ndly. we must have abolished or suspended our discriminating duties, placing Great Britain upon the footing of the most favored nation, in whose behalf we had abolished or suspended them, although it now appears, from the averment of Mr. Canning, that duties of at least an equal amount have been, since the adoption of the Order in Council, in the year 1823, and now are, levied upon American vessels and their cargoes in British Colonial ports.

So stood our law, and such must have been our compliance with the conditions of the Act of Parliament at the time of its passage. But we suppose it to have been the understanding of the British Government, that, if subsequent to that period, we should grant to any foreign nation still greater privileges than those above described, by treaty or otherwise, in consideration of equivalents or not, such more extensive privileges must have immediately accrued to the United Kingdom and its possessions abroad, upon the rule of the most favored nation, or we must have subjected ourselves to the forfeiture of the Colonial trade, denounced by the Act of Parliament.

Now, subsequently to the date of that Act, to wit, on the 6th December last, we concluded a treaty with the Republic of the Federation of the Centre of America, which, having been afterwards ratified by both parties, is now in full operation. By this treaty it is stipulated, that whatever can be exported from, or imported into, either country, in its own vessels, to or from any foreign place whatever, may, in like manner, be exported or imported in the vessels of the other country, the vessel and the cargo paying in both cases the same and no higher duties, and consequently neither paying the Alien Duties. If we had entitled ourselves, by the fulfilment of the required conditions, to an intercourse with the British Colonies, we would now be obliged, in order to retain the right to that intercourse, to allow British vessels, both of the parent country and its possessions abroad, a liberty of exportation and importation coextensive with that of the vessels of the United States, although the interdict of the British law of navigation should remain in full operation on the vessels of the United States.

If we are mistaken in the extent of the concessions required by the British Government, to place the United Kingdom and its possessions abroad, on the footing of the most favored nation, the best and

most friendly mode of correcting our error would have been, to have accompanied an official communication of the Act of Parliament with a full and frank explanation of those conditions, the performance of which, on our part, would have satisfied that Government. By withholding all explanation. if the Congress of the United States had legislated on that subject at its last Session, it must have acted either 1st. upon the exposition of the conditions of the Act of Parliament now given ; or, 2ndly. upon the views of the British Government as disclosed in the negotiations of 1824. It could not have conformed to the conditions of the Act of Parliament, as we understand them, without a manifest sacrifice of the interests of the People of the United States, and an abandonment of those principles of reciprocity for which they have ever contended in all their negotiations with foreign Powers. It now appears that it would have been unavailing if Congress had legislated in compliance with the views of the British Government, as presented in the negotiations of 1824. According to those views, that Government was then willing that the trade between the Colonies and the United States should continue restricted, as it then was, by the laws of the two countries, to the direct intercourse; that is to say, that a British vessel clearing from the United States for a Colonial port, should be bound to land its cargo in that port; and an American vessel clearing from the Colonies for the United States, should be bound to land its cargo in them. But without any intimation to us, through the regular diplomatic channels, of an alteration in her views. Great Britain has now changed them, and on the 11th September, 1826, for the first time announces her determination not "to consent to enter into any renewed negotiation upon the intercourse between the United States and the British Colonies, so long as the pretension [the above restriction as to the direct intercourse] recorded in the Act of 1823, and there applied to British Colonies alone, remains part of the law of the United States." And we are also given to understand, "that the British Government further owes it to the spirit of frankness which it wishes to cultivate in all its relations with the United States, to declare, that, after having been compelled to apply to any country, the interdict prescribed by the Act of 1825, the British Government cannot hold itself bound to remove that interdict, as a matter of course, whenever it may happen to suit the convenience of the foreign Government to reconsider the measures by which the application of that interdict was occasioned." The pretension referred to, is the exact counterpart of a similar preexisting pretension contained in the Act of Parliament of 1822. The British Government does not appear to have reflected, that its rejection of all negotiation on the subject, deprives it of the best of the only two modes of getting rid of the exceptionable restriction.

From what has been now advanced, it has been established, 1st. That the Colonial trade was a fit subject for the adjustment, by friendly negotiation between the two Powers, of the conditions on which it should be carried on ; 2ndly. that it has been long, and often, in fact, a subject of negotiation between them; and, 3dly. that the

American Government was bound to conclude, from every thing which passed between the two Governments, that both parties entertained the expectation that it was to be arranged by negotiation, and only by negotiation. It was under this full conviction that your general instructions were prepared.

What may be the nature of the proposals which you were authorized to make, upon the renewal of the negotiation so confidently anticipated, it is not now proper should be communicated to the British Government. Respect for ourselves, no less than for that Government, forbids that we should obtrude upon their consideration proposals against which they have deemed it proper to shut their ears. It will be, however, no violation of that respect, to say, that they were of a character, on all the disputed points between the two Governments, authorizing us to believe that they would be satisfactory.

The Government of the United States is animated by the sincerest desire to maintain, with that of Great Britain, not merely the forms of courtesy and amity, but to cultivate a cordial and lasting friendship; to settle every controverted question between them upon principles of justice and reciprocity, and, by an enlarged liberality in their mutual intercourse, to advance the real prosperity of both. Entertaining this desire, it has learnt, with the most lively regret, the resolution of the British Government to close the door against those friendly explanations, and that frank and mutual exposition of the wishes and views of the parties, which are, or should be, the object of all negotiation. The harmony of nations requires that every avenue to such explanations should always be kept fully open. But such a free access on all questions, appears to the Government of the United States to be especially desirable between two such nations as Great Britain and the United States, whose interests and happiness are so intimately interwoven. By rejecting the ordinary mode of treating through the established agency of accredited Ministers, and substituting to it that of mutual legislation, which, after all, is but another, though less advantageous mode of negotiation, we deprive ourselves of many facilities. Congress and the British Parliament are numerous bodies, acting in different and distant spheres, and it is not derogating from their undoubted wisdom and superior intelligence, to suppose that their organization is not the best suited to the exercise of diplomatic functions, in all cases.

A single word of explanation, an instantaneous suggestion of the modification of a proposal elicited in conference, may lead to the adjustment of a difference when Ministers are treating face to face, which might not be settled for a long time in a negotiation conducted between two bodies, each composed of several hundred members, separated by the Atlantic ocean. We do not mean to bring forward any formal complaint against Great Britain, on account of her determination to exclude one of the means which experience has evinced to be best adapted to the accommodation of national differences. Our main purpose is, to show that the United States are not justly chargeable with the consequences which may flow from that most unexpected decision.

As the only alternative which the course adopted by that Government has left, the President has determined to give a signal proof of his anxious wish to preserve a good understanding between the two Governments, by laying the whole of the correspondence which has passed between them on this subject, including the instructions to our several Ministers at the Court of St. James, before Congress, at its next session. The wisdom of that body, in the actual state of things, is alone competent to decide whether the colonial intercourse shall remain closed, according to the pleasure of the British Government, as manifested in the late Order in Council, and whether that portion of it left open by the order shall remain open, or on what conditions, compatible with the interests of the People of the United States, Congress is willing the trade should be placed.

You will accompany the communication of the substance of this despatch, or the substance of such part of it as you may not have anticipated in any answers to Mr. Canning's note, presented from yourself to the British Government, with the assurance that, notwithstanding their present decision, the Government of the United States, at all times hereafter, will be ready, at Washington or at London, to treat of the colonial intercourse, whenever it may be their desire or inclination to negotiate on that subject.

I am, with great respect, your obedient servant,

H. CLAY.

GENERAL CONVENTION

OF

FRIENDSHIP, COMMERCE, AND NAVIGATION,

BETWEEN THE

UNITED STATES OF AMERICA

AND

HIS MAJESTY THE KING OF DENMARK.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

WHEREAS a General Convention of Friendship, Commerce, and Navigation, between the UNITED STATES and his Majesty the KING OF DENMARK, was concluded and signed at Washington, on the twenty-sixth day of April last, by HENRY CLAY, Secretary of State of the United States, on the part of the United States, and PETER PEDERSEN, Minister resident from Denmark, on the part of Denmark, the respective Plenipotentiaries of the two Powers: And whereas the said Convention has been duly and respectively ratified by me, by and with the advice and consent of the Senate of the United States, and by his Majesty the King of Denmark; and the ratifications of the same have been exchanged on the tenth day of August last, at the City of Copenhagen, by JOHN RAINALS, Consul of the United States, on the part of the United States, and Count SCHIMELMANN, Minister of Foreign Affairs of his Majesty the King of Denmark, on the part of Denmark, which Convention is in the words following, to wit:

General Convention of Friendship, Commerce, and Navigation, between the United States of America and His Majesty the King of Denmark.

The United States of America and His Majesty the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to

extend the commercial relations which subsist between their respective territories and People, have agreed to fix, in a manner clear and positive, the rules which shall, in future, be observed between the one and the other party, by means of a General Convention of Friendship, Commerce, and Navigation. With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State, and his Majesty the King of Denmark has conferred like powers on Peter Pedersen, his Privy Counsellor of Legation, and Minister resident near the said States, Knight of the Dannebrog, who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles:

Article 1.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

Article 2.

The contracting parties being, likewise, desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and reside and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens, or subjects, do, or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Article 3.

They, likewise, agree that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and

collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country, in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed, in the ports of one party, on vessels of the other, than are, or shall be, payable in the same ports by native vessels.

Article 4.

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of his Majesty the King of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are, or shall be, payable, on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of his Majesty the King of Denmark, respectively, than such as are, or may be, payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his Majesty the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

Article 5.

Neither the vessels of the United States, nor their cargoes, shall, when they pass the Sound or the Belts, pay higher or other duties than those which are, or may be, paid by the most favored nation.

Article 6.

The present Convention shall not apply to the Northern possessions of his Majesty the King of Denmark, that is to say, Iceland, the Ferroé Islands, and Greenland, nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places, is reserved by the parties,

respectively. And it is further agreed, that this Convention is not to extend to the direct trade between Denmark and the West India colonies of his Danish Majesty; but, in the intercourse with those colonies, it is agreed, that whatever can be lawfully imported into, or exported from, the said colonies, in the vessels of one party, from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into, or exported from, the said colonies, in vessels of the other party.

ARTICLE 7.

The United States and his Danish Majesty mutually agree, that no higher or other duties, charges, or taxes, of any kind, shall be levied in the territories or dominions of either party, upon any personal property, money, or effects, of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are, or shall be, payable in each State, upon the same, when removed by a citizen or subject of such State, respectively.

ARTICLE 8.

To make more effectual the protection which the United States and His Danish Majesty shall afford, in future, to the navigation and commerce of their respective citizens and subjects, they agree, mutually, to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities, of the Consuls and Vice Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE 9.

In order that the Consuls and Vice Consuls of the contracting parties may enjoy the rights, privileges, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the Consular district in which they reside.

ARTICLE 10.

It is likewise agreed, that the Consuls, and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their pro-

perty, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

ARTICLE 11.

The present Convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed, between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this Convention, and all the provisions thereof, shall altogether cease and determine.

ARTICLE 12.

This Convention shall be approved and ratified by the President of United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged in the city of Copenhagen, within eight months from the date of the signature hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of his Danish Majesty, have signed and sealed these presents.

Done in triplicate, at the City of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

H. CLAY.
PR. PEDERSEN.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington, this fourteenth day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, *Secretary of State.*

ADDENDUM.

Mr. Clay to Mr. Pedersen.

DEPARTMENT OF STATE,
Washington, April 25, 1826.

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honor to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States, if Mr. Pedersen had been charged with instructions in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property, in the ports of His Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the Treaty of Friendship, Commerce, and Navigation, on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them, until they shall be finally arranged, upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the Treaty, in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

H. CLAY.

The Chevalier PEDERSEN,
Minister Resident from Denmark.

The Chevalier Peter Pedersen to Mr. Clay.

WASHINGTON, *25th April,* 1826.

The undersigned, Minister Resident of his Majesty the King of Denmark, has the honor, herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark not being waived on the part of the United States, by the Convention agreed upon, and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

P. PEDERSEN.

To the Hon. HENRY CLAY,
Secretary of State of the United States.

GENERAL CONVENTION

Of Peace, Amity, Commerce, and Navigation,

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE FEDERATION OF THE CENTRE OF AMERICA.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas a General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Federation of the Centre of America, was concluded and signed at Washington, on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five; which Convention, being in the English and Spanish languages, is, word for word, as follows:

ORIGINAL.

General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Federation of the Centre of America.

The United States of America, and the Federation of the Centre of America, desiring to make firm and permanent the peace and friendship which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace, Friendship, Commerce, and Navigation.

For this most desirable object, the President of the United States of America has conferred full powers on HENRY CLAY, their

ORIGINAL.

Convencion General de Paz, Amistad, Comercio, y Navegacion, entre la Confederacion de Centro-America i los Estados-Unidos de America.

La Federacion de Centro-America i los Estados-Unidos de America, deseando hacer firme i permanente la paz i amistad que felizmente existe entre ambas Potencias, han resuelto fijar de una manera clara, distinta y positiva, las reglas, que deben observar religiosamente en lo venidero, por medio de un Tratado ó Convencion General de Paz, Amistad, Comercio, y Navegacion.

Con este muy deseable objeto, el Poder Executivo de la Federacion de Centro-America, ha conferido plenos poderes à ANTONIO

Secretary of State; and the Executive power of the Federation of the Centre of America on ANTONIO JOSE CANAS, a Deputy of the Constituent National Assembly for the Province of San Salvador, and Envoy Extraordinary and Minister Plenipotentiary of that Republic, near the United States, who, after having exchanged their said full powers in due and proper form, have agreed to the following Articles:

JOSE CANAS, diputado de la Asemblea Nacional Constituyente por la Provincia de San Salvador, i Enviado Extraordinario i Ministro Plenipotenciario de la aquella Republica cerca de los Estados Unidos, y el Presidente de los Estados Unidos de America, á HENRICO CLAY, su Secretario de Estado, quienes despues de haber canjeado sus espresados plenos poderes en debida i buena forma, han convenido en los articulos siguientes:

ARTICLE 1st.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Federation of the Centre of America, in all the extent of their possessions and territories, and between their People and Citizens, respectively, without distinction of persons or places.

ART°. 1°.

Habra una paz, perfecta, firme, é inviolable y amistad sincera entre la Federacion de Centro-America y los Estados-Unidos de America, en toda la estencion de sus posesiones y territorios, y entre sus Pueblos y Ciudadanos respectivamente sin distincion de personas, ni lugares.

ARTICLE 2d.

The United States of America, and the Federation of the Centre of America, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ART°. 2°.

La Federacion de Centro-America, y los Estados-Unidos de America, deseando vivir en paz y harmonia con las demas Naciones de la tierra, por medio de una politica franca, é igualmente amistosa con todas, se obligan mutuamente à no conceder favores particulares à otras naciones, con respecto à comercio y navegacion, que no se hagan inmediatamente comun à una ù otra quien gozarà de los mismos libremente, si la concesion fuese hecha libremente ó prestando la misma compensacion, si la concesion fuere condicional.

ARTICLE 3d.

The two high contracting parties, being likewise desirous of

ART°. 3°.

Los dos altas partes contratantes deseando tambien establecer

placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures, and merchandise, and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

el comercio y navegacion de sus respectivos paises sobre las liberales bases de perfecta igualidad y reciprocidad, convienen mutuamente que los Ciudadanos de cada una podran frecuentar todas las costas y paises de la otra y residir i traficar en ellos con toda clase de producciones, manufacturas, i mercaderias, i gozaran de todos los derechos, privilegios y esempciones con respecto à navegacion i comercio que gozan ó gozaren los Ciudadanos nativos, sometiendose à las leyes, decretos é usos establecidos à que estan sujetos dichos Ciudadanos nativos. Pero deber entenderse que este articulo no comprende el comercio de costa de cada uno de los dos paises, cuya regulacion es reservada à las partes respectivamente, segun sus propias i peculiares leyes.

Article 4th.

They likewise agree, that whatever kind of produce, manufacture, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the U. States, in their own vessels, may be also imported in vessels of the Federation of the Centre of America; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And in like manner, that whatever kind of produce, manufactures, or merchandise, of any foreign country, can be, from time to time, lawfully imported into the Central Republic, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall

Art°. 4°.

Igualmente convienen, que cualquiera clase de producciones, manufacturas ó mercaderias estrangeras que puedan ser, en cualquier tiempo, legalmente introducidas en la Republica Central en sus propios buques, puedan tambien ser introducidas en los buques de los Estados Unidos; i que no se impondran ó cobraran otros ó mayores derechos de tonelada ó por el cargamento, ya sea que la importacion se haga en buques de la una ó de la otra. De la misma manera que cualesquiera clase de producciones, manufacturas ó mercaderias estrangeras que pueden ser en cualquier tiempo legalmente introducidas en los Estados-Unidos en sus propios buques, puedan tambien ser introducidas en los buques de la Federacion de Centro-America; i que no se impondran ó cobraran

be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one country, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation, or re-exportation, be made in vessels of the United States, or of the Central Republic.

otros ó mayores derechos de tonelada ó por el cargamento ya sea que la importacion se haga en buques de la una ó de la otra. Convienen ademas, que todo lo que pueda ser legalmente esportado ó re-esportado de uno de los dos paises, en sus buques propios para un pais estranjero pueda de la misma manera ser esportado ó re-esportado en los buques de el otro. Y los mismos derechos, premios ó descuentos se concederan i cobraran ya sea que tal exportacion, ó re-esportacion se haga en los buques de la Republica Central ó de los Estados-Unidos.

Article 5th.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Federation of the Centre of America, and no higher or other duties shall be imposed on the importation into the Federation of the Centre of America, of any articles, the produce or manufactures of the United States, than are, or shall be, payable on the like articles, being the produce or manufactures of any other foreign country; nor shall any higher, or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Federation of the Centre of Ameriea, respectively, than such as are payable on the exportation of the like articles to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Federation of the Centre of America, to or from the Territo-

Art°. 5°.

No se impondran otros ó mayores derechos sobre la importacion de cualquier articulo, produccion ó manufactura de los Estados-Unidos en la Federacion de Centro-America, i no se impondran otros ó mayores derechos sobre la importacion de cualquier articulo, produccion ó manufactura de la Federacion de Centro-America en los Estados Unidos, que los que se pagan ó pagaren en adelante por iguales articulos, produccion ó manufactura de cualquiera pais estrangero; ni se impondran otros ó mayores derechos ó cargas en cualquiera de los dos paises sobre la esportacion de cualesquiera articulos para la Federacion de Centro-America ó para los Estados-Unidos respectivamente, que los que se pagan ó pagaren en adelante por la esportacion de iguales articulos para cualquiera otro pais estrangero; ni se establecera prohivicion sobre la importacion ó esportacion de cualesquiera articulos, produccion ó manufactura de los territorios de la Federacion de Centro-Ame-

ries of the United States, or to or from the Territories of the Federation of the Centre of America, which shall not equally extend to all other Nations.

rica para los de los Estados-Unidos, ó de los territorios de los Estados Unidos para los de la Federacion de Centro-America, que no sea igualmente estensiva á las otras naciones.

ARTICLE 6th.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens, of both countries, to manage themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off, their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ART°. 6°.

Se conviene ademas, que serâ enteramente libre y permitido, a los comerciantes, comandantes de buques y otros Ciudadanos de ambos paises el manejar sus negocios, por si mismos, en todos los puertos y lugares sujetos à la jurisdiccion de uno ù otro, asi respecto à las consignaciones y ventas por mayor y menor de sus efectos y mercaderias, como de la carga, descarga y despacho de sus buques, debiendo en todos estos casos, ser tratados como Ciudadanos del pais en que residan, ó al menos puestos sobre un pie igual con los subditos ó Ciudadanos de las naciones mas favorecidas.

ARTICLE 7th.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART°. 7°.

Los Ciudadanos de una ù otra parte, no podràn ser embargados ni detenidos con sus embarcaciones, tripulaciones, mercaderias, y efectos comerciales de su pertenencia, para alguna espedicion militàr, usos publicos, ó particulares cualesquiera que sean, sin conceder à los interesados una suficiente indemnizacion.

ARTICLE 8th.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions, of the other, with their vessels, whether merchant or of war,

ART°. 8°.

Siempre que los Ciudadanos de alguna de las partes contratantes se vieren precisados à buscàr refujio, ó asilo en los rios, bahias, puertos, ó dominios de la otra, con sus buques, ya sean mercan-

public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

tes, ó de guerra, publicos ó particulares, por mal tiempo, persecucion de piratas ó enemigos, seràn recibidos y tratados con humanidad, dandoles todo favor y proteccion, para reparar sus buques, procuràr viveres, y ponerse en situacion de continuar su viaje, sin obstaculo ó estorbo de ningun genero.

ARTICLE 9th.

All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions, of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights, before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of the respective Governments.

ART°. 9°.

Todos los buques, mercaderias y efectos pertenecientes a los Ciudadanos de una de las partes contratantes, que sean apresados por piratas, bien sea dentro de los limites de su jurisdiccion, ó en alta mar, y fueren llevados, ó hallados en los rios, radas, bahias, puertos, ó dominios de la otra, seràn entregados à sus dueños, probando estos en la forma propia y debida sus derechos ante los Tribunales competentes; bien entendido que el reclamo ha de hacerse dentro del termino de un año, por las mismas partes, sus apoderados ó Agentes de los respectivos Gobiernos.

ARTICLE 10th.

When any vessel belonging to the citizens of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, *or contribution* whatever, until *they may be exported.*

ART°. 10°.

Cuando algun buque perteneciente à los ciudadanos de alguna de las partes contratantes, naufrague, encalle, ó sufra alguna averia, en las costas, ó dentro de los dominios de la otra, se les darà toda ayuda y proteccion, del mismo modo que es uso y costumbre, con los buques de la nacion en donde suceda la averia: permitiendoles descargàr el dicho buque (si fuere necesario) de sus mercaderias y efectos, sin cobrar por esto hasta que sean esportados, ningun derecho, impuesto ó contribucion.

Article 11th.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases: And if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

Art°. 11°.

Los ciudadanos de cada una de las partes contratantes tendrán pleno podér para disponér de sus bienes personales dentro de la jurisdiccion de la otra, por venta, donacion, testamento, ó de otro modo; y sus representantes, siendo ciudadanos de la otra parte, succederán á sus dichos bienes personales, ya sea por testamento ó *ab intestato*, y podran tomar posesion de ellos, ya sea por si mismos ó por otros, que obren por ellos, y disponer de los mismos, segun su voluntad, pagando aquellas cargas, solamente, que los habitantes del pais en donde estan los referidos bienes, estuvieren sujetos á pagar en iguales casos. Y si en el caso de bienes raices, los dichos herederos fuesen impedidos de entrár en la posesion de la herencia por razon de su caracter de estrangeros, se les dará el termino de tres años, para disponer de ella como juzguen conveniente, y para estraér el producto sin molestia, y esentos de todo derecho de deduccion, por parte del Gobierno de los respectivos Estados.

Article 12th.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives

Art°. 12°.

Ambas partes contratantes se comprometen y obligan formalmente á dar su proteccion especial á las personas y propiedades de los ciudadanos de cada una recíprocamente transeuntes ó habitantes de todas ocupaciones, en los territorios sujetos á la jurisdiccion de una y otra, dejandoles abiertos y libres los tribunales de justicia, para sus recursos judiciales, en los mismos terminos que son de uso y costumbre para

or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

los naturales ó ciudadanos del pais en que residan; para lo cual, podrán emplear en defensa de sus derechos aquellos Abogados, Procuradores, Escribanos, Agentes, ó Factores que juzguen conveniente, en todos sus asuntos y litigios; y dichos ciudadanos ó Agentes tendrán la libre facultad de estar presentes en las decisiones y sentencias de los Tribunales, en todos los casos que les conciernan, como igualmente al tomar todos los examenes y declaraciones que se ofrezcan en los dichos litigios.

Article 13th.

It is likewise agreed, that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds or in other decent or suitable places, and shall be protected from violation or disturbance.

Art°. 13.°

Se conviene igualmente en que los ciudadanos de ambas partes contratantes gozen la mas perfecta y entera seguridad de conciencia en los paises sujetos á la jurisdiccion da una ù otra, sin quedar por ello espuestos á ser inquietados ó molestados en razon de su creencia religiosa, meintras que respeten las leyes y usos establecidos. Ademas de esto, podrán sepultarse los cadaveres de los ciudadanos de una de las partes contratantes, que fallecieren en los territorios de la otra, en los cementerios acostumbrados, ó en otros lugares decentes, y adecuados, los cuales, serán protejidos contra toda violacion ó trastorno.

Article 14th.

It shall be lawful for the citizens of the United States of America and of the Federation of the Centre of America to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port, to the

Art°. 14.°

Será licito a los ciudadanos de la Federacion de Centro-America, y de los Estados-Unidos de America, navegár con sus buques, con toda seguridad y libertad, de cualquiera puertó á las plazas ó lugares de los que son ó fueren en adelante enemigos de cualquiera de las dos partes contratantes, sin

places of those who are now, or hereafter shall be, at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise beforementioned, and to trade with the same liberty and security, from the places, ports, and havens, of those who are enemies of both, or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, beforementioned, to neutral places, but also from one place, belonging to an enemy, to another place, belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both, or either party, they are not to be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but, if either of the two contracting parties shall be at war with a third, and the other

hacerse distincion de quienes son los dueños de las mercaderias cargadas en ellos. Será igualmente licito á las referidos ciudadanos navegár con sus buques y mercaderias mencionadas y traficár con la misma libertad y seguridad, de los lugares, puertos y enseñadas de los enemigos de ambas partes, ó de alguna de ellas, sin ninguna oposicion, ó disturbio cualquiera, no solo directamente de los lugares de enemigo arriba mencionados á lugares neutros, sino tambien de un lugar perteneciente á un enemigo, á otro enemigo, ya sea que esten bajo la jurisdiccion de una potencia, ó bajo la de diversas. Y queda aqui estipulado, que los buques libres, dan tambien libertad á las mercaderias, y que se ha de considerar libre y esento todo lo que se hallare á bordo de los buques pertenecientes á los ciudadanos de cualquiera de las partes contratantes, aunque toda la carga ó parte de ella pertenezca a enemigos de una ù otra, ecepturando siempre los articulos de contrabando de guerra. Se conviene tambien del mismo modo, en que la misma libertad se estienda á las personas que se encuentren á bordo de buques libres, con el fin de que aunque dichas personas sean enemigos de ambas partes ó de alguna de ellas, no deban ser estraidos de los buques libres, à menos que sean oficiales ó soldados en actual servicio de los enemigos: à condicion no obstante, y se conviene aqui en esto, que las estipulaciones contenidas en el presente articulo, declarando que el Pabellon cubre la propiedad, se entenderàn aplicables solamente á aquellas potencias que reconocen este principio; pero si alguna de las dos partes contratantes, estu-

neutral, the flag of the neutral shall cover the property of the enemies, whose Governments acknowledge this principle, and not of others.

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ARTICLE 15th.

It is likewise agreed, that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral, embarked in such enemy's ships, shall be free.

ART°. 15°.

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ARTICLE 16th.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended—

ART°. 16°.

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comprenderán:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2dly. Bucklers, helmets breast plates, coats of mail, infantry belts and clothes, made up in the form and for a military use.

3dly. Cavalry belts and horses, with their furniture.

4thly. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly to make war by sea or land.

1°. Canones, morteros, obuces, pedreros, trabucos, mosquetes, fusiles, rifles, carabinas, pistolas, picas, espadas, sables, lanzas, chuzos, alabardas, y granadas, bombas, polvora, mechas, balas, con las demas cosas correspondientes al uso de estas armas.

2°. Escudos, casquetes, corazas, cotas de mala, fornituras, y vestidos hechos en forma, y á forma, y á usanza militar.

3°. Bandoleras, y caballos junto con sus armas y arneses.

4°. Y generalmente todo especie de armas, é instrumentos de hierro, acero, bronce, cobre, y otras materias cualesquiera, manufacturadas, preparadas, y formadas espresamente para hacér la guerra por mar, ó tierra.

Article 17th.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Art°. 17°.

Todas las demas mercaderias, y efectos no comprendidos en los articulos de contrabando esplicitamente enumerados, y clasificados en el articulo anterior, serán tenidos, y reputados por libres, y de licito y libre comercio, de modo, que ellos puedan sér transportados, y llevados de la manera mas libre, por los ciudadanos de ambas partes contratantes, aun á los lugares pertenecientes á un enemigo de una ù otra, eceptuando solamente aquellos lugares ó plazas, que estàn al mismo tiempo sitiadas ó bloqueadas; y para evitar toda duda en el particular, se declaran sitiadas ó bloqueadas àquellas plazas, que en la actualidad estuviesen atacadas por una fuerza de un beligerante capaz de impedir la entrada del neutral.

ARTICLE 18th.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo, of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART°. 18°.

Los articulos de contrabando antes enumerados y clasificados, que se hallen en un buque destinado à puerto enemigo estarán sujetos à detencion y confiscacion; dejando libre el resto del cargamento y el buque, para que los duenos puedan disponer de ellos como lo crean conveniente. Ningun buque de cualquiera de las dos Naciones, será detenido, por tener à bordo articulos de contrabando, siempre que el Maestre, Capitan, ó Sobrecargo de dicho buque quiera entregàr los articulos de contrabando al apresador, à menos que la cantidad de estos articulos sea tan grande y de tanto volumen, que no puedan sér recibidos à bordo del buque apresadór, sin grandes inconvenientes; pero en este, como en todos los otros casos de justa detencion, el buque detenido serà enviado al puerto mas inmediato, comodo, y seguro, para ser juzgado y sentenciado conforme à las leyes.

ARTICLE 19th.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted

ART°. 19°.

Y por cuanto frecuentemente sucede que los buques navegan para un puerto ó lugàr perteneciente à un enemigo, sin saber que aquel esté sitiado, bloqueado ó envestido, se conviene en que todo buque en estas circumstancias se pueda hacer volver de dicho puerto, ó lugar; pero no serà detenido, ni confiscada, parte alguna de su cargamento, no siendo contrabando; à menos des despues de la intimacion de semejante bloqueo ó ataque, por el comandante de las fuerzas bloqueadoras, intentase otra vez entrar;

to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor, if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

pero le serà permitido ir à cualquiera otro puerto ó lugar que jusgue conveniente. Ni ningun buque de una de las partes, que haya entrado en semejante puerto, ó lugar, antes que estuviese sitiado, bloqueado, ó envestido por la otra, sera impedido de dejar el tal lugar con su cargamento ni si fuere hallado alli despues de la rendicion y entrega de semejante lugar, estarà el tal buque ó su cargamento sujeto à confiscacion, sino que seràn restituidos á sus dueños.

Article 20th.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibit-

Art°. 20°.

Para evitar todo genero de desórden en la visita, y examen de los buques y cargamentos de ambas partes contratantes en alta mar, han convenido mutuamente, que siempre que un buque de guerra, publico ó particular se encontrase con un neutral de la otra parte contrante, el primero permanecerà fuera de tiro de cañon, y podrà mandàr su bote, con dos ó tres hombres solamente, para ejecutàr el dicho examen de los papéles concernientes á la propiedad y carga del buque, sin ocasionàr la menor estorcion, violencia ó mal tratamiento, por lo que los comandantes del dicho buque armado seràn responsables, con sus personas y bienes; á cuyo efecto los comandantes de buques armados, por cuenta de particulares, estaràn obligados antes de entregarseles sus comisiones ó patentes, à dar fianza suficiente para responder de los perjuicios que causen. Y se ha convenido espresamente, que en ningun caso se exigira à la parte neutral, que vaya à bordo del buque examina-

ing her papers, or for any other purpose whatever.

dór con el fin de exibir sus papeles, ó para cualquiera otro objeto sea el que fuere.

ARTICLE 21st.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that, such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defects shall be satisfied or supplied by testimony entirely equivalent.

ART°. 21°.

Para evitar toda clase de vejamen y abuso en el examen de los papeles relativos à la propiedad de los buques pertenecientes à los ciudadanos de las dos partes contratantes, han convenido y convienen, que en caso de que una de ellas estuviere en guerra, los buques, y bajeles pertenecientes à los ciudadanos de la otra, seràn provistos con letras de màr, ó pasaportes, espresando el nombre, propiedad y tamaño del buque, como tambien el nombre y lugar de la residencia del Maestre, o comandante, à fin de que se vea que el buque, real y verdaderamente pertenece à los ciudadanos de una de las partes; y han convenido igualmente, que estando cargados los espresados buques, ademas de las letras de mar, ó pasaportes, estaran tambien provistos de certificatos, que contengan los por menores del cargamente, y el lugar de donde salió el buque, para que asi pueda saberse, si hay à su bordo algunos efectos prohibidos ó de contrabando, cuyos certificatos serán hechos por los oficiales del lugár de la procedencia del buque, en la forma acostumbrada, sin cuyos requisitos el dicho buque puede ser detenido, para ser juzgado por el Tribunal competente, y puede ser declarado buena presa, à menos que satisfagan, ó suplan el defecto con testimonios enteramente equivalentes.

ARTICLE 22d.

It is further agreed, that the stipulations above expressed, re-

ART°. 22°.

Se ha convenido ademas, que las estipulaciones anteriores, re-

lative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries—and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

lativas al examen y visita de buques, se aplicaràn solamente à los que navegan sin conboy y que cuando los dichos buques estuvieren bajo de conboy, será bastante la declaracion verbal del Comandante del conboy, bajo su palabra de honór, de que los buques que estàn bajo su proteccion pertenecen a la nacion, cuya bandera llevan, y cuando se dirijen á un puerto enemigo, que los dichos buques no tienen á su bordo articulos de contrabando de guerra.

ARTICLE 23d.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ART°. 23°.

Se ha convenido ademas. que en todos los casos que occurran, solo los Tribunales establecidos para causas de presas. en el pais á que las presas sean conducidas, tomarán conocimiento de ellas. Y siempre que semejante Tribunal de cualquiera de las partes, pronunciase sentencia contra algun buque, ó efectos, ó propiedad reclamada por los ciudadanos de la otra parte, la sentencia ó decreto harà mencion de las razones ó motivos en que aquella se haya fundado, y se entregará sin demora alguna al comandante ó agente de dicho buque, si lo solicitase. un testimonio autentico de la sentencia, ó decreto, ó de todo el proceso, pagando por el los derechos legales.

ARTICLE 24th.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war,

ART°. 24°.

Siempre que una de las partes contratantes estuviere empeñada en guerra, con otro Estado ningun Ciudadano de la otra parte contratante aceptara una comision ó letra de marca para el objeto de ayudár ó co-operar hostilmente con el dicho enemigo, contra la dicha parte que este asi en

under the pain of being treated as a pirate.

guerra, bajo la pena de ser tratado como pirata.

ARTICLE 25th.

If, by any fatality, which cannot, be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Federation of the Centre of America, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection; which, in consideration of humanity, the contracting parties engage to give them.

ART°. 25°.

Si por alguna fatalidad, que no puede esperarse, y que Dios no permita, las dos partes contratantes se viesen empeñadas en guerra una con otra, han convenido y convienen de ahora para entonces, que se concederà el termino de seis meses á los comerciantes residentes en las costas y en los puertos de entrambas, y el termino de un ano á los que habitan en el interior, para arreglár sus negocios, y transportár sus efectos á donde quieran, dandoles el salvo conducto necesario para ello, que les sirva de suficiente proteccion hasta que lleguen al puerto que designen. Los Ciudadanos de otras ocupaciones, que se hallen establecidos en los territorios ó dominios de la Federacion de Centro-America, ó los Estados-Unidos de America, serán respetados, y mantenidos en el pleno goze de su libertad personal y propiedad, á menos que su conducta particular les haga perdér esta proteccion, que en consideracion á la humanidad, las partes contratantes se conprometen á prestarles.

ARTICLE 26th.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys, which they may have in public funds, nor in public or private banks, shall ever, in any event of war, or of national difference, be sequestered or confiscated.

ART.° 26°.

Ni las deudas contriadas por los individuos de una Nacion, con los individuos de la otra, ni las acciones ó dineros, que puedan tenér en los fondos publicos, ó en los bancos publicos, ó privados, serán jamas secuestrados ó confiscados en ningun caso de guerra, ó diferencia nacional.

ARTICLE 27th.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to the Envoys, Ministers, and other Public Agents, the same favors, immunities and exemptions, which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities or privileges, the United States of America or the Federation of the Centre of America, may find it proper to give the Ministers and Public Agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ART°. 27°.

Deseando ambas partes contratantes, evitár toda diferencia, relativa á etiqueta en sus comunicaciones, y correspondencias diplomaticas han convenido asi mismo, y convienen en conceder á sus Enviados, Ministros, y otros Agentes Diplomaticos, los mismos favores, inmunidades, y esenciones da que gozan, ó gozaren en lo venidero los de las nacio nes mas favorecidas, bien entendido que cualqueir favór, inmunidad ó privilegio, que la Federacion de Centro-America, ó los Estados Unidos de America, tengan por conveniente dispensár á los Enviados, Ministros, y Agentes Diplomaticos de otras Potencias, se haga por el mismo hecho estensivo á los de una y otra de las partes contratantes.

ARTICLE 28th.

To make more effectual the protection which the United States and the Federation of the Centre of America shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the Consuls and Vice Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ART°. 28°.

Para hacér mas efectiva la proteccion, que la Federacion de Centro-America, y los Estados Unidos de America, darán en adelante á la navegacion y comercio de los ciudadanos de una y otra, se convienen en recibir y admitir Consules, y Vice Consules en todos los puertos abiertos al comercio estrangero, quienes gozarán en ellos todos los derechos, prerrogativas é inmunidades de los Consules, y Vice Consules de la nacion mas favorecida, quedando no obstante en libertad cada parte contratante, para eceptuar aquellos puertos y lugares en que la admision y residencia de semejantes Consules, y Vice Consules no parezca conveniente.

ARTICLE 29th.

In order that the Consuls and Vice Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form to the Government to which they are accredited; and having obtained their *exequatur*, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants, in the Consular District in which they reside.

ART°. 29°.

Para que los Consules y Vice Consules de las dos partes contratantes, puedan gozar los derechos, prerrogativas, é inmunidades, que les correspoden por su caracter publico, antes de entrár en el ejercicio de sus funciones, presentarán su comision ó patente en la forma debida, al Gobierno con quien esten acreditados, y habiendo obtenido el *exequatur*, serán tenidos, y considerados como tales, por todas las autoridades, majistrados y habitantes del distrito Consular en que residan.

ARTICLE 30th.

It is likewise agreed, that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce, or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in every thing besides subject to the laws of the respective States.—The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ART°. 30°.

Se ha convenido igualmente, que los Consules, sus Secretarios, oficiales y personas agregadas al servicio de los Consulados (no siendo estas personas ciudadanos del pais en que el Consul reside) estaran esentos de todo servicio publico, y tambien de toda especie de pechos, impuestos, y contribuciones. eceptuando aquellas que esten obligados á pagar por razon de comercio, ó propiedad, y á las cuales estan sujetos los Ciudadanos, y habitantes naturales, y estrangeros del pais en que residen, quedando en todo lo demas, sujetos a las leyes de los respectivos Estados. Los archivos y papeles de los consulados serán respetados inviolablemente, y bajo ningun pretest o los ocupará magistrado alguno, ni tendrá en ellos ninguna intervencion.

ARTICLE 31st.

The said Consuls shall have power to require the assistance of

ART°. 31°.

Los dichos Consules tendrán poder de requerir el auxilio de las

the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ship's roll, or other public documents, that those men were part of the said crews; and, on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation.—But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

autoridades locales, para la prision, detencion y custodia de los desertores de buques publicos y particulares de su pais, y para este objeto se dirigiràn á los Tribunales, Jueces, y oficiales competentes, y pedirán los dichos desertores por escrito, probando por una presentacion de los registros de los buques, rol del equipage, ù otros documentos publicos, que aquellos hombres eran parte de las dichas tripulaciones, y á esta demanda asi probada (menos no obstante cuando se probare lo contrario) no se reusará la entrega.—Semejantes desertores, luego que sean arrestados, se pondrán á disposicion de los dichos Consules, y pueden ser depositados en las prisiones publicas, á solicitud y espensas de los que los reclamen, para ser enviados á los buques á que corresponden ó á otros de la misma nacion. Pero si no fueren mandados dentro de dos meses contados des de el dia de su arresto, serán puestos en libertad, y no volverán a ser presos por la misma causa.

Article 32d.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Art°. 32°.

Para protegér mas efectivamente su comercio y navegacion, las dos partes contratantes se convienen en formar luego que las circumstancias lo permitan, una Convencion Consulár, que declare mas especialmente los poderes é inmunidades de los Consules y Vice Consules de las partes respectivas.

Article 33d.

The United States of America and the Federation of the Centre

Art°. 33°.

La Federacion de Centro-America, y los Estados-Unidos de A-

of America, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce, and Navigation, have declared solemnly, and do agree to the following points:

1st. The present Treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, in all the parts relating to Commerce and Navigation; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both Powers.

2dly. If any one or more of the citizens of either party shall infringe any of the articles of this Treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3dly. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present Treaty shall be violated or infringed in any other way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demand-

merica, deseando hacer tan duraderas y firmes, como las circumstancias lo permitan las relaciones que han de establecerse entre las dos Potencias, en virtud del presente Convencion ó Tratado General de Paz, Amistad, Navegacion, y Comercio, han declarado solennemente y convienen en los puntos siguientes:

1°. El presente tratado permanecerá en su fuerza y vigor por el termino de doce años contados desde el dia del cange de las ratificaciones, en todos los puntos concernientes à comercio y navegacion, y en todos los demas puntos que se refieren á paz y amistad, será permanente, y perpetuamente obligatorio para ambas potencias.

2°. Si alguno, ó algunos de los Ciudadanos de una ù otra parte infringiesen alguno de los articulos contenidos en el presente tratado, dichos ciudadanos ser n personalmente responsables, sin que por esto se interrumpa la harmonia y buena correspondencia entre las dos Naciones, comprometiendose cáda una à no protegér de modo alguno al ofensor, ó sancionár semejante violacion.

3°. Si (lo que á la verdad no puede esperase) desgraciadamente, alguno de los articulos contenidos en el presente tratado, fuesen en alguna otra manera violados, ó infringidos, se estipula espresamente que ninguna de las dos partes contratantes, ordenará, ó autorizará ningunos actos de represalia, ni declarará la guerra contra la otra por quejas de injurias, ó daños, basta que la parte que se crea ofendida, haya antes presentado á la otra una esposicion de aquellas injurias, ó daños, verificada con pruebas y testimonios

el justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this Treaty contained shall, however, be construed or operate contrary to former and existing public Treaties with other Sovereigns or States.

The present Treaty of Peace, Amity, Commerce, and Navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Federation of the Centre of America, and the ratifications shall be exchanged in the City of Guatemala, within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Federation of the Centre of America, have signed and sealed these presents.

Done in the City of Washington, on the fifth day of December, in the year of our Lord one thousand eight hundred and twenty-five, in the fiftieth year of the Independence of the United States of America, and the fifth of that of the Federation of the Centre of America, in duplicate.

[L. S.] H. CLAY.
[L. S.] ANTONIO JOSE CANAS.

competentes, exigiendo justicia y satisfaccion, y esto haya sido negado, ò diferido sin razon.

4°. Nada de cuanto se contiene en el presente tratado, se construirá sin embargo, ni obrará en contra de otros tratados publicos anteriores, y existentes con otros soberanos ó Estados.

El presente tratado de paz, amistad, comercio, y navegacion, será ratificado por el Gobierno de la Federacion de Centro-America, por el Presidente de los Estados Unidos de America, con consejo y consentimiento del Senado de los mismos; y las ratificaciones serán cangeadas en la Ciudad de Guatemala dentro de ocho meses contados desde este dia, ó antes si fuese posible.

En fe de lo cual nosotros los Plenipotenciarios de la Federacion de Centro-America, y de los Estados-Unidos de America, hemos firmado y sellado las presentes.

Dadas en la Ciudad de Washington, el dia cincó de Deciembre del año del Señor mil ocho cientos veinticinco quinto de la Independencia de la Federacion de Centro-America y quinquagesimo de la de los Estados Unidos de America, per duplicado.

[L. S.] ANTONIO JOSE CANAS.
[L. S.] H. CLAY.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged, at Guatemala, on the second day of August, one thousand eight hundred and twenty-six, by JOHN WILLIAMS, Chargé d'Affaires of the United States near the Government of the Federation of the Centre of America, and PEDRO GONZALEZ, Chief Officer of the Department of

State, Despatch, War, and Marine, Secretary of Legation of the Republic of Central America, near the Governments of South Amemerica, on the part of their respective Governments:

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the Independence of the United States the fifty-first.

[L. S.]

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

DOCUMENTS

FROM THE

WAR DEPARTMENT,

ACCOMPANYING THE

PRESIDENT'S MESSAGE TO CONGRESS.

PART II.

DEPARTMENT OF WAR,

November 28, 1826.

SIR: I submit a report on the administration of this Department for the current year. The documents marked from A to M, communicate information so fully, and in detail, upon the measures which have been pursued in the various branches of the public service that I shall content myself with a very cursory view of the most important objects.

The document marked A, is a report of Major General Brown on the state of the Army. The dispersed situation of the Infantry of the Army in various garrisons, and frequently so reduced as rarely to exceed a Captain's command at any one place, was attended with great inconvenience and injury to the service; and their utility had, in many instances, been superseded by our rapidly extending settlements. It was desirable to alter this state of things—to effect it, a concentration of the Army, as far as practicable, was ordered on the right bank of the Mississippi, a few miles below St. Louis, at the Cantonment Jefferson. The advantages of this position are obvious. The troops can be easily transported to the Eastern or Western frontier wherever the public exigencies may require their presence. In a salubrious and fertile region, their health will be preserved, and their supplies may be cheaply obtained and delivered with facility; but the leading consideration remains to be noticed—the effect of the movement on the discipline and good character of the Army. It is admitted by the most intelligent, that both these desirable qualities are more generally found in large masses of troops than in small detached commands. Profiting by the experience of officers of a superior grade, and greater professional skill—emulation excited by the presence and rivalry of so many aspirants for reputation, and subjected to the wholesome control of the opinion of an increased number of brother officers, to whose eye the conduct of each is exposed, their discipline and morality must be greatly improved.

Reports from the Quartermaster General, Commissary General of Subsistence, Paymaster General, Surgeon General, Commissary General of Purchases, and Ordnance Department, marked B, C, D, E, F, and G, disclose all the information needful to be communicated on the administration of these branches of the public service. I add, with pleasure, my testimony to the fidelity of all the officers, superior and inferior, connected with these branches, among whom, not a single delinquency has occurred.

From the report of the visiters at West Point, that establishment continues to equal the public expectation, by annually presenting to its country a large number of youths, prepared to defend it in war,

or to adorn it in peace. Legislative aid is still necessary to the improvement of this Establishment. Its wants are presented, and an estimate for the necessary appropriation furnished by the Chief Engineer, is submitted in the annual estimates of this Department.

The document H is the report of the Engineer Department. The duties performed by both Corps will, at once, ascertain that great efforts have been made to perform, as far as practicable, the services expected of them. From the present number, more could not be accomplished; and yet, from the various calls made upon the Department for reconnoissances, it has been utterly impracticable to comply with the wishes of many of our citizens; and such must continue to be the case without an increase of the Corps. I beg leave to refer you to this report, and to that of the Quartermaster General, as showing the measures which have been pursued in execution of the special acts of Congress at their last and former Sessions, in relation to Roads, Harbors, and Canals.

In executing the resolution of Congress assigning to this Department the duty of having prepared a system of Cavalry Tactics, and a system of instruction for Artillery, for the use of Cavalry and Artillery of the Militia, I thought I could not fulfil the wishes of Congress more effectually, than by convening a Board, composed of officers of the Militia and of the Army, whose various experience united, would enable it to digest the best and most practical systems. The occasion was too favorable to be lost, and was, therefore, eagerly seized of profiting by this collection of talent and experience, to review our present defective Militia System, and, if possible, by an entirely new organization, to place it on a footing which would realize the expectations and wishes of every patriot, in relation to this great arm of national defence. If there be any one maxim in our political creed which challenges universal approbation, it is, that a well organized Militia is the natural depository of our protection against foreign invasion, or intestine violence. This maxim has been consecrated by the bill of rights of all the States; and yet the opinion is as universal, that the present organization is both defective and onerous.

Important changes in the present system are indispensable to make the militia any way equal to the standard assigned it by the wishes of the patriot. To the end that every source from which information might be collected should be approached, I addressed a circular letter to the Governor of every State and Territory, and to many citizens distinguished alike by their intelligence and experience, asking for information upon this interesting subject. By so doing, I hoped to become possessed of the information which might lead to a result that would reconcile, as far as practicable, the various circumstances, moral and physical, belonging to so extensive a field, and thereby conciliate the public sentiment to such changes as the wisdom of Congress might think proper to adopt. Communications in reply to this letter have been received, some of which shed much light on this difficult, delicate, and highly national object. These communications were laid before the Board, who, uniting their own experience and in-

diligence with the information thus imparted, it was hoped might find itself in a condition to point out the defects of the existing system, and the probable remedies. They were directed to report to me the result of their reflections, which they accordingly did, and their report marked I, with the answers to my letters, is herewith submitted. The systems of tactics for cavalry, and of instruction for artillery, have been digested, and are in the hands of a copyist, and will be communicated in a few days.

I intentionally forbear making any remarks on the various alterations recommended by the Board of Officers. The wisdom of those to whom they are submitted, should Congress determine to legislate upon the subject, will correct any errors into which they may have been betrayed, and supply any defect which may have escaped their observation. I cannot, however, abstain from calling your attention to the highly interesting fact, that we have, according to the last census, two millions of male citizens, between the ages of eighteen and forty-five. The difference indicated between that number and those embraced in the returns of the militia from the States, results from the exemptions from militia service, which, in some of the States, are equal to one half of their whole number which, from their ages, should be enrolled. From our happy position in regard to Europe, and from the no less fortunate relations maintained with our neighbors, and their actual condition, it would appear that keeping up a system of the militia so extensive as the present, and burthensome, without any advantage to a large class of our citizens, was altogether unnecessary. A different organization, therefore, by which at least a million and a half of our most useful citizens would be relieved from the unprofitable pageantry of military parade for five or six days in the year, constituting so injurious a draft on their industry, must be one which cannot fail to be well received by the American People; and when, too, it is believed that, notwithstanding this relief, a superior efficiency will be imparted to this natural arm of the national defence.

The document K is the report of the officer particularly charged with Indian affairs; by which it will be seen that several treaties have been negotiated with various tribes, and which are herewith submitted. By two of them, large tracts of land within the limits of Indiana have been relieved from the incumbrance of the Indian title. Although the proper measures were promptly adopted to effect a similar result in other quarters, we have not yet been advised of the result.

During the recess, information was continually communicated to the Department that a bloody, and, most probably, an exterminating war was about to break out between the Osages and Delawares, and their various allies, which, it was urged, nothing could avert but the employment of a respectable portion of the Army of the United States. The power of the Executive, without legislative provision to that effect, was deemed too questionable to justify the measure. All that could be done was immediately performed to prevent the threatened mischief. A part of our military force was ordered to make a demonstra-

tion in the direction of the probable scene of hostility, whose object not being known, might have the effect of overawing the Indians, and the Chiefs of the various tribes were assembled, to impress on their minds the calamities which would ensue from a perseverance in their hostile purposes. Contrary to expectation, we succeeded in pacifying them for the present. The duration of this state of things is, however, most uncertain, and the subject is brought particularly to view for the consideration of Congress. The mischief likely to result from placing in the same neighborhood, without a controlling power on the part of the Executive of the United States, different and hostile tribes, have already been submitted in a report from this Department to Congress at their last session. The events just referred to have tended to confirm the views formerly taken; and I feel myself impelled by an irresistible sense of duty to state, that unless a preventive is speedily furnished by law, I fear that, at no distant period, these unfortunate and unhappy people will be exterminated by intestine wars, and thereby that a subject fruitful of unavailing regret will become a portion of the inheritance of the American People.

I have the honor to be
Your obedient servant,
JAMES BARBOUR.

The PRESIDENT
Of the United States.

List of Documents accompanying the letter of the Secretary of War to the President of the United States, dated 28th November, 1826.

Report of Major General J. Brown, with statements, A to E, marked A.

Report of the Quartermaster General, marked B.

Report of the Commissary General of Subsistence, marked C.

Report of the Paymaster General, marked D.

Report of the Surgeon General, marked E.

Report of the Commissary General of Purchases, with nine statements, 1 to 9, marked F.

Report of the Ordnance Department, with statements A to H, marked G.

Report of the Engineer Department, with documents 1 to 4, marked H.

Report of the Board of Officers relative to the organization of the Militia, marked I.

Report of the Indian Office, marked K.

Report of the Pension Office, marked L.

Report of the Bounty Land Office, marked M.

A.

HEAD QUARTERS OF THE ARMY,
Washington, November 30, 1826.

SIR: In compliance with your instructions of the 3d ultimo, I have the honor to lay before you the following Returns and Statements, viz:

A—A statement of the organization of the Army, conformable to acts of Congress.

B—A return of the actual strength of the Army, from the last regimental and other returns.

C—A return shewing the distribution of the troops in the Eastern Department.

D—A return shewing the distribution of the troops in the Western Department.

E—A statement shewing the number of men enlisted, the amount of money advanced for the purposes of recruiting, and the amount for which recruiting accounts have been rendered for settlement, from the 1st October, 1825, to the 30th September, 1826.

F—An estimate of the amount which will be required for the current expenses of the recruiting service for the year 1827.

By statement E, it will be seen that the sum of $10,850 63 remains unexpended in the hands of recruiting officers. This amount is in a regular course of application to the recruiting service, and will doubtless, in due season, be properly accounted for.

In the early part of the year, Brevet Major General Scott commenced a tour of Inspection and Review of the Military Posts in the Eastern Department, which tour was extended Southwardly as far as St. Augustine, but, on account of serious indisposition, he was prevented from prosecuting his tour to the North and East.

Brevet Major General Gaines has commenced a tour of inspection of all the posts in the Western Department.

Colonel Wool has inspected, during the last year, the posts of Fortress Monroe, Charleston, Pensacola, New Orleans, St. Phillips, Petite Coquille, Cantonment Jesup, Cantonment Towson, Cantonment Gibson, Fort Mackinac, Green Bay, Sackett's Harbor, West Point, Eastport, Portland, Portsmouth, Boston, Newport, New London, New York, Detroit, Niagara, Plattsburgh, Castine, Salem, and Marblehead. The six posts last named are unoccupied by troops, but contain ordnance and ordnance stores requiring inspection. To these are to be added the Arsenal of Baton Rouge, Augusta, Richmond, Watervliet, Rome, and Watertown, and the United States' Armory at Springfield.

Colonel Croghan has completed an inspection of the remote posts of the Northwestern frontier, including the cantonments at St. Peter's and Council Bluffs, but his reports have not yet been received.

The Companies of the Artillery Regiments have been generally inspected by the Field Officers thereof, but their detailed reports are not yet received at General Head Quarters.

By the information gathered from inspection reports, as well as from

personal observation, it is found that the general condition of the Army continues to be as favorable as circumstances will allow. In discipline and instruction, a decided improvement is perceptible, and, in the departments of administration, there is no want of due regularity and promptitude.

The necessary evils resulting from a wide dispersion of our forces, and the number of small commands which are consequent to the system, have been, in some degree, corrected in the Artillery Regiments, by the operation of the School of Practice. Although destitute of the aid which has been sought at the hand of Legislation, and still struggling with exceedingly limited resources, this establishment has already afforded the most decided evidences of its usefulness and an earnest of the salutary effects on the efficiency and welfare of the Artillery, which must result from its preservation and prosperity.

It is a truth which cannot be disguised, that the virtues of an army employed during a long period of peace and inaction in little else than the ordinary course of garrison service, are in danger of deterioration. In order to preserve the energies and the active vigor of our ranks, and to guard against the approaches of sloth and imbecility, it seemed necessary to adopt some measure which might operate at least partially, if not effectually, in favor of these desirable objects. The influence of concentration, as a system, independently of the various branches of theoretical and practical instruction which might be embraced in it, would of itself prove sufficiently beneficial to justify the adoption of it, as a measure of sound policy. The present location of the School of Practice, is perhaps as favorable, in every sense, as could be chosen for the Artillery under existing circumstances, and the plan of periodical details with which it is connected, comprises many of the advantages which result from occasional changes in the stations of the troops.

The benefits which are believed naturally to spring from the system in question, are important and manifold. Among them may be noted, in general terms, habits of uniformity and accuracy in the practical routine of service; fresh incitement to the cultivation of military knowledge; emulation and esprit de corps among the troops; and mutual conformity and general elevation of individual character among the officers. But, by the enervating influences of a passive garrison life, influences which, without the adoption of this or a similar system, it is impossible to resist, these high qualities, so invaluable to an army, must, in a measure, be forfeited.

With this view of the subject, it has been thought desirable to extend the principle as far as possible for the benefit of the Infantry also. Duties of an active nature are perhaps more frequently enjoined on this arm of service than on the Artillery, but it stands in no less need of the advantages to be derived from a School of Practice. The numerical strength of our Infantry Regiments is indeed small, considering the wide extent of frontier which they are commissioned to defend, and detachments could not, perhaps, be permanently drawn from them, without prejudice to the ulterior object of their maintenance; but

while this objection would be effectually obviated by the increased efficiency which such an institution is calculated to produce, the salutary operation of it, in other respects, it is hoped, will, in time, be generally felt and fairly appreciated.

The number of desertions from the Army, during the last year, has been somewhat less than in the several years preceding, but it is still such as to call for the vigorous interposition of legislative enactment to arrest the progress of the evil. The measures relating to this subject, recommended to you in my communication of the 17th November, 1825, and presented by you for the consideration of Congress, at their last session, will, it is hoped, be finally acted on by that body during the ensuing session. The design of offering additional pay to the approved soldier, as a condition of his re-enlistment; that of withholding a portion of the same, as a restraint and security for faithful service, and the plan for the improvement of the non-commissioned grades of the Army, by a judicious increase of their emoluments, are measures which I still consider as promising the happiest effects, as well promotive of the general welfare of the Army, as restrictive of the evil which so greatly impairs its organization and efficiency.

While we rest in the pleasing assurance that our small military establishment suffices in most of its branches for the immediate purposes of peace, we can never be unmindful of its high importance as the repository of the military science of the country, and as the nucleus of future organization when the exigencies of the nation shall demand its enlargement.

That it may always be found equally worthy and well prepared for that degree of expansion which is commensurate with this object, no effort should be unappreciated or suffered to be unavailing, which tends to its moral elevation, and to the maintenance of those military virtues on which its future efficiency must mainly depend.

I have the honor to be, sir,
With the highest respect,
Your obedient servant,
JAC. BROWN.

Hon. JAMES BARBOUR,
Secretary of War.

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Corporals.	Principal Musicians.	Musicians.	Artificers.	Privates.	Field Officers.	Captains.	Subalterns.	Noncommissioned Officers	Musicians.	Artificers.	Privates.	Field Officers.
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23	•	13	•	224	•	•	•	14	4	•	91	•
23	2	15	•	237	•	•	•	4	1	•	35	•
15	1	13	•	161	•	•	•	9	•	•	37	•
25	2	15	•	295	•	•	1	9	2	•	65	•
28	2	14	•	276	•	•	1	2	1	•	18	•
27	1	14	•	219	•	•	2	14	5	•	104	•
19	1	11	•	203	•	•	1	11	1	•	56	•
60	9	95	•	1,615	•	•	5	63	14	•	406	•
•	•	•	•	•	•	•	•	•	•	•	•	•
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45	9	150	76	2,573	1	•	8	87	20	11	557	•

'aptain of the 3d Artillery, one of the 5th, and one of the 7th Infantry, are omitte
:cause they are reported in the General Staff.
results on this return, in some instances, do not agree with the results of the retu
Post,' because they are composed from data not, in every instance, of similar date

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Amount of money advanced from the 1st of October, 1825, to the 30th of September, 1826, to officers on account of the Recruiting Service - - -	$31,271 97
Amount of the above accounted for, or for which accounts have been rendered for the same period - -	20,421 34
Balance in the hands of Recruiting Officers - -	$10,850 63

R. JONES, *Adjutant General.*

B.

QUARTERMASTER GENERAL'S OFFICE,

Washington City, November 21, 1826.

SIR: In obedience to your order, dated the 3d ultimo, I have the honor to report the operations of this department during the 1st, 2d, and 3d quarters of the year 1826.

On the 1st day of January there remained in the hands of the officers and agents of the department, applicable to the service, the sum of - - - - - - - $25,198 75

In the 1st quarter, the remittances amounted to - - -	55,902 00	
In the 2d quarter, to - -	125,182 00	
In the 3d quarter, to - -	99,546 10	
Amount remitted in the three quarters, - -		280,630 10
For damaged public property sold, and for rents of old barracks, &c. - - - -		1,332 44
Making the whole amount to be accounted for		307,161 29
The disbursements in the 1st quarter amounted to - - -	67,643 17	
In the 2d quarter to - - -	117,917 18	
	$185,560 35	
In the 3d quarter, so far as accounts have been rendered, to - -	91,636 23	
Amount of accounts rendered, -		277,196 58
Leaving to be accounted for - - -		$29,964 71

This sum is made up of small balances in the hands of the several officers of the Department throughout the Union, applicable to the service of the 4th quarter, all of which, it is believed, will be accounted for at the end of the year.

ment to continue the road to Little Rock, a further appropriation w be requisite.

In consequence of the troops at Cantonment Gibson being employ in constructing quarters and defences, the road authorized from th post to Little Rock had not been commenced at the last date.

Considerable progress has been made in the erecting of barrac and quarters at the position selected for an infantry school of practi in the neighborhood of St. Louis, Missouri.

The condition of the buildings at Fort St. Philip is such, as n only to forbid every thing like comfort, but to endanger the lives o the troops. Measures have been adopted to erect new barracks, quar ters, and hospitals, at that post, and materials have in part been col lected for that purpose.

Barracks and quarters, at Savannah, are in a state of preparation for two companies; and measures have been taken to prepare barracks for a company of men at, or near, the mouth of the river Suwannee, in Florida. For all these works, appropriations will be necessary.

A road from Pensacola to Berkely, in Alabama, one thence to Mobile Point, and one from the latter post to Pensacola, are extremely desirable, in a military point of view, and are rendered more important now that Pensacola has been selected as the Naval Depot for the Gulf of Mexico.

I have the honor to be, sir,

Your obedient servant,

THOMAS S. JESUP, *Brig. Gen.*
and Quartermaster General of the Army.

The Hon. JAMES BARBOUR,
Sec'y of War, Washington City.

C.

OFFICE OF THE COMMISSARY GENERAL OF SUBSISTENCE,

Washington, November 23d, 1826.

SIR: The statement which I now have the honor to submit, exhibits the moneys remitted and charged to contractors, assistant and acting assistant commissaries, during the first, second, and third quarters of the year, together with the balances on hand the 31st of December, 1825, amounting in the aggregate to $298.850 73, and the disbursements made by them, for the same period, amounting to $256.114 24; leaving a balance, to be accounted for in the fourth quarter of the year, of $42.736 49.

Of this sum of $42.736 49, due on the 30th of September, ultimo, $2.500 were remitted to commanders of distant posts, where there were no regularly appointed commissaries, for the purpose of supplying agents of their own selection with funds for purchases in the

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4th quarter of the year. $300 remitted to Fort St. Philip, reached their destination after the disbursing officer for whom they were designed had left the post, and therefore remain unavailable.

$367 90 were charged to a commanding officer of a post for an order of issues of extra fresh beef to the troops, rather as a caution than with a view to exaction, and may eventually be allowed.

$7,902 71 have been charged to officers in service for provisions unaccounted for by them at the expiration of their duties some time since, who have neglected to forward returns and abstracts of issues to the troops on their stations; and although there does not exist the smallest doubt of the regular issue of the whole of the provisions under their charge, yet it was thought necessary to convert them into money, to charge the officers with the amount, and to place them under stoppage, as a measure of coercion to the final rendition of said abstracts and returns, which, when received, will enable the Auditor to expunge the whole of this charge.

$3,132 20 are the residue of a balance due by an officer dismissed the service for neglect of duty, whose securities have already furnished evidence of issues to a considerable amount, and who are strenuously exerting themselves to reduce this balance by the same means, and, in case of failure to that effect, are able and willing to pay the amount.

$1,909 10 is a balance due on the 31st of December ult. by an officer now in service, and under stoppage, which will be paid in the approaching year.

$695 63 is a balance due by Lieut. Outlaw at his decease, whose securities are wealthy, and who no doubt will settle the amount the moment that the claim is presented to them. Making an aggregate of $16,807 54 totally inapplicable to the charges of the present year; and leaving, on the 30th of September, actually in the hands of the disbursing officers of the Department at all the posts, including Mackinac, Fort Armstrong, and St. Peter's, too remote to receive the accounts for the 3d quarter, the sum of 25,928 95, part of which has already been expended on account of that quarter, and the residue will remain entirely applicable to the expenditures of the 4th quarter of the year, during which period the greater portion, if not the whole amount, will be disbursed.

Very respectfully, your most obedient servant,

GEO. GIBSON, *C. G. S.*

The Hon. JAMES BARBOUR,
Secretary of War.

D.

PAYMASTER GENERAL'S OFFICE,
City of Washington, November 27, 1826.

SIR: The report I have the honor herewith to submit, exhibits the amount of funds advanced to the several Paymasters of the Army

within the 1st, 2d, and 3d quarters of the present year, the sum not called for by their disbursements for that time, and now forming part of their funds for the fourth quarter, and the balance to be accounted for.

Of the seven hundred forty-nine thousand and seventy dollars drawn from the Treasury, but twenty-two thousand six hundred and thirty-three dollars fifty-one cents remains to be accounted for. This balance consists of twenty-one thousand one hundred and four dollars nineteen cents, received by Paymaster Philips, on the 19th of August, which could not be disbursed and the accounts rendered, in time for this report, owing to the difficulty of reaching the remote posts of his district until late in the 4th quarter. The remaining one thousand five hundred and twenty-nine dollars thirty-two cents, is a balance against late Paymaster Hayden, who died on the 10th of June last, 120 miles from the upper post on the Red River, returning to Natchitoches. At the time of his death the balance against him was fifteen thousand two hundred and twenty-eight dollars ninety-one cents. By the vigilance of Major Cummings and Captain Hyde, in securing the money and vouchers of Paymaster Hayden, it is reduced to the sum stated; and this, it is believed, will be accounted for by additional vouchers, or a deposite in the Bank of Alexandria, A. T.

Thus, it appears, every cent advanced within the time embraced in this report, has been accounted for, that could be required or expected; and I have every reason to believe the remainder will be, in due time, and with equal fidelity.

The accounts show the troops, generally, to be paid to the 1st of September; they are, probably, by this time, all paid to that period, and many two months later.

I avail myself of this report respectfully to state, as my opinion, that the Pay Department might be improved, by giving rank to its officers, and placing it, in that respect, on a footing with other branches of the Staff.

Rank would render the department more important, and offer an additional inducement to suitable persons to seek appointments in it; particularly to officers of experience in the line of the Army. It would qualify Paymasters to serve as members of military courts, thereby rendering them more useful; and, as they are subject to martial law, it is but justice that they, in common with other officers, should have a voice in administering it.

As it will be no additional expense to the Government to bestow rank on Paymasters corresponding with their present compensation, and as the rank will never be exercised out of their proper department, except as members of military courts, I can perceive no objection to the measure, and most earnestly solicit that the subject be submitted to Congress.

The act of April 24th, 1816, allows each Paymaster "a capable non-commissioned officer as clerk;" but it has been found impossible, except in a few cases, to obtain non-commissioned officers who are *capable;* and it is most respectfully recommended to solicit of Con-

gress to alter the law, so as to permit the employment of citizens as clerks, at the same compensation, when *capable* non-commissioned officers cannot be obtained.

Respectfully, your obedient servant,

N. TOWSON, *P. M. G.*

To the Hon. J. BARBOUR,
Secretary of War.

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SURGEON GENERAL'S OFFICE,

October 18, 1826.

SIR: In compliance with your order of the 3d instant, I have the honor to report an estimate of the expenses of the Medical Department, and of the Surgeon General's Office for the year 1827. As most of the accounts against the Department are paid by warrants from the Treasury Department, only $2,500 have been transmitted to the Surgeon at New York; all of which has been accounted for, except $98 69, which was the unexpended balance at the expiration of the third quarter of the year. It is estimated that about $5000 will be required to meet the expenses of the Department up to the end of the present year.

Very respectfully,
Your obedient servant,
JOS. LOVELL, *Surgeon General.*

Honorable JAMES BARBOUR,
Secretary of War.

F.

COMMISSARY GENERAL'S OFFICE,

Philadelphia, November 8, 1826.

SIR: I have prepared, and now have the honor to enclose, nine statements, as follows, viz:

No. 1. Of moneys drawn from the appropriation for the Purchasing Department, during the *three* first quarters of 1826.

2. Of moneys drawn from the appropriation for the purchase of woollens in advance for 1827, during the same period.

3. Of moneys received and disbursed during the same period, on account of the Purchasing Department.

4. Of moneys received and disbursed during the same period, on account of the appropriation for purchasing woollens in advance for 1827.

5. Of moneys disbursed during the same period, on account of Arsenals.

6. Of moneys received and disbursed during the same period, on account of contingencies.

7. Of the cost of clothing during the years 1825, 1826, 1827, (comparative.)

8. Of the cost of each article of clothing for the Army of the United States during the year 1827.

9. Comparative statement of the cost of the annual suit, and of clothing for five years, at the prices of 1825, 1826, and 1827.

All of which, I hope, will meet your approbation.

It will be observed that my expenditures, during the three first quarters of 1826, have exceeded the amount of receipts $5,798 33, which may be accounted for as follows. I received from the sureties of Edgar Patterson, on account of the debt due from him, (per Thomas Swan, Esq. District Attorney,) on the 16th February, 1826, $850; and on the 13th July, $620; and on the 31st May, I received from John Reed, on account of a debt due from Thomas Parker, $362 77, which sums have not been introduced in the statements, yet have been disbursed in this Office.—$2,624 50 remained in my hands on the 1st January, 1826, on account of Arsenals, which have been nearly disbursed, and $1,341 06, which had been advanced during the fourth quarter of 1825, has been accounted for in 1826, and covers the excess exhibited in the statements herewith forwarded.

My accounts for the *third* quarter of 1826 have been settled, and the disbursements admitted to my credit by the Second Auditor, as appears by his report, received yesterday.

I have the honor to be, Sir,

With great respect,

Your most obedient servant,

C. IRVINE,

Commissary General of Purchases.

Honorable JAMES BARBOUR,

Secretary of War.

No. 1.

STATEMENT of moneys drawn from the Appropriation for the "Purchasing Department," during the three first quarters of the year 1826.

1826.				
April 3,	Received	Treasurer's Draft,	No. 8906,	$35,000 00
May 8,	Received	ditto (in part)	8954,	40,716 66
June 8,	Received	ditto	8991,	40,000 00
July 15,	Received	ditto	9023,	19,500 00
Aug. 17,	Received	ditto	9060,	15,000 00
				$150,216 66

COMMISSARY GENERAL'S OFFICE,

Philadelphia, November 8th, 1826.

C. IRVINE,

Com. Gen. of Purchases.

Hon. JAMES BARBOUR,
Secretary of War.

No 2.

STATEMENT of moneys drawn from the Appropriation for the "Purchase of Woollens in advance for 1827," during the three first quarters of the year 1826.

1826.
May 8, Received Treasurer's Draft, No. 8954, (in part) $10.000

COMMISSARY GENERAL'S OFFICE,

Philadelphia, November 8, 1826.

C. IRVINE,

Com. Gen. of Purchases.

Hon. JAMES BARBOUR,
Secretary of War.

No. 3.

STATEMENT of moneys received and disbursed during the three first quarters of 1826, *on account of the "Purchasing Department."*

To amount of sundry warrants issued by the Secretary of the Treasury, in favor of Callender Irvine, Commissary General of Purchases, from the 1st of January, 1826, to 30th September, following, as per Statement No. 1, - - - - - -		$150,216 66
By amount of purchases during the 1st quarter of 1826, passed to the credit of Callender Irvine, Commissary General of Purchasers, per William Lee, Esq. Second Auditor Treasury Department, - - - - -	$13,595 71	
By ditto, ditto, during the second quarter of 1826, passed as above, - -	92,159 86	
By amount of my accounts for the third quarter of 1826, before the Second Auditor, for settlement, - - -	46,092 17	
		151,847 74

COMMISSARY GENERAL'S OFFICE,

Philadelphia, November 8, 1826.

C. IRVINE,

Com. Gen. of Purchases.

Hon. JAMES BARBOUR,
Secretary of War.

No. 4.

STATEMENT of moneys received and disbursed during the three first quarters of 1826, *on account of the appropriation for "Purchasing Woollens in advance for* 1827."

To amount of warrant (in part) issued by the Secretary of the Treasury, in favor of Callender Irvine, Commissary General of Purchases, from the 1st January, 1826, to 30th September, following, as per Statement No. 2, - - - - - -		$10,000 00
By amount of purchases during the 2d quarter of 1826, passed to the credit of Callender Irvine, Commissary General of Purchases, per William Lee, Esq. Second Auditor Treasury Department,	$3,672 26	
By amount of my account for the third quarter of 1826, before the Second Auditor for settlement, - - -	7,941 02	
		$11,613 28

COMMISSARY GENERAL'S OFFICE,

Philadelphia, November 8, 1826.

C. IRVINE,

Com. Gen. of Purchases.

Hon. JAMES BARBOUR,
Secretary of War.

No. 5.

STATEMENT of Moneys disbursed during the three first quarters of 1826, on account of "Appropriation for Arsenals."

By amount of purchases, during the first quarter of 1826, passed to the credit of Callender Irvine, Commissary General of Purchases, per William Lee, Esq. 2d Auditor Treasury Department - -	964 81
By amount of my account for the 3d quarter of 1826, before the 2d Auditor for settlement - -	1,589 16
	$ 2,553 97

COMMISSARY GENERAL'S OFFICE,
Philadelphia, November 8, 1826.

C. IRVINE, *Com. Gen. of Purchases.*

Hon. JAMES BARBOUR,
Secretary of War.

No. 6.

STATEMENT of Moneys received and disbursed, during the three first quarters of 1826, on account of "Appropriation for Contingencies."

To amount of warrant issued by the Secretary of the Treasury, in favor of Callender Irvine, Commissary General of Purchases, from the 1st of January, 1826, to the 30th September following -	$ 372 00
By amount of disbursements, as per my account for the 3d quarter of 1826, before the 2d Auditor for settlement - - - - -	$ 372 00

COMMISSARY GENERAL'S OFFICE,
Philadelphia, November 8, 1826.

C. IRVINE, *Com. Gen. of Purchases.*

Hon. JAMES BARBOUR,
Secretary of War.

No. 7.

COMPARATIVE STATEMENT *of the cost of Clothing for the Army of the United States, during the years* 1825, 1826, *and* 1827.

GARMENTS.	*Prices in* 1825.	*Prices in* 1826.	*Prices in* 1827.
Forage caps	$ 0 40	$ 1 70	
Leather cap	1 50	1 35	$ 1 35
Oil cloth cap cover	45	45	45
Pompon	20	20	20
Band and tassel	12	12	12
Cockade and eagle	6¼	6¼	6¼
Cap plate	8	8	8
Caps scales, Infantry, setts	60	60	55
Do. Artillery, do.	60	60	57
Worsted wings, pairs	55½	55½	53
Grey twilled cloth overalls	2 20	2 18	2 05
Drilling overalls, private's	76	76	74
Do. do. sergeant's	90	1 02	94
Infantry sergeant's drilling jackets with sleeves	1 11	1 22	1 16
Do. privates do. do.	94	93	91
Artillery private's do. do.	1 00	99	97
Do. sergeant's do. do.	1 17	1 28	1 22
Do. gray twilled cloth jackets, do.	2 86	2 80	2 67

Infantry gray twilled cloth jackets, with sleeves	$2 75	$2 72	$2 59
Cotton shirts, private's	65	56	56
Do. sergeant's	71	71	70
Flannel shirts	1 27½	1 15	1 12
Flannel drawers	1 00	91	88
Fatigue trowsers	78½	75	71
Do. frocks	1 10	1 03	97
Bootees, pairs	1 58	1 58	1 57
Shoes, do.	1 25	1 23	1 25
Stockings, do.	35½	35½	35½
Socks, do.	18¾	18¾	18¾
Blankets	2 65	2 65	2 50
Great coats	7 00	6 93	6 62
Guard coats	7 68	7 51	7 19
Leather stock	14½	14½	14½
Infantry private's coat	5 81	5 62	5 46
Do. sergeant's coat	5 81	5 70	5 55
Do. music coat	7 53	7 34	7 34
Artillery private's coat	6 00	5 89	5 73
Do. sergeant's coat	6 07	5 98	5 82
Do. music coat	7 72	7 63	7 63
Knapsacks	2 12	1 51	1 53
Havresacks	46	30	30

N. B. An alteration in the Forage cap has caused the great increase of the cost of it.

COMMISSARY GENERAL'S OFFICE, *Philadelphia, November 8th*, 1826,

C. IRVINE, *Commissary General of Purchases.*

Hon. JAMES BARBOUR, *Secretary of War.*

No. 8.

COST of Clothing for the Army of the United States, during the year 1827.

Forage cap	$ 1 63
Leather cap	1 35
Oil cloth cap cover	45
Pompon	20
Band and tassel	12
Cockade and eagle	6¼
Cap plate	8
ball	5
scales, setts Infantry	55
scales, do. Artillery	57
Worsted wings, pairs	53
Gray twilled cloth overalls	2 05
Drilling overalls, privates'	74
Do. sergeants'	94
Infantry sergeants' drilling jackets, with sleeves	1 16
privates' do. do.	91
Artillery sergeants' do, do.	1 22
privates' do. do.	97
gray twilled cloth jackets do.	2 67
Infantry, do. do.	2 59
Cotton shirts, privates'	56
Do. sergeants'	70
Flannel shirts	1 12
drawers	88
Fatigue frocks	97
trowsers	71
Bootees, pairs	1 57
Shoes, do.	1 25
Stockings, do.	35½
Socks, do.	18¾
Blankets	2 50
Great coat	6 62
Guard coat	7 19
Leather stock	14½
Infantry private's coat	5 46
sergeant's coat	5 55
musician's coat	7 34
Artillery private's coat	5 73
sergeant's coat	5 82
musician's coat	7 63

COMMISSARY GENERAL'S OFFICE,
Philadelphia, November 8, 1826.
C. IRVINE, *Com. Gen. of Purchases.*

Hon. JAMES BARBOUR, *Secretary of War.*

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ORDNANCE DEPARTMENT, *November 28th*, 1826.

Sir: In compliance with your instructions. I have the honor to communicate. herewith, sundry papers, marked from A to H inclusive, which contain the statements and information required.

Statement A exhibits an account of the moneys remitted through this Department, in the year 1825; showing the amount. under each head of appropriation. received by each disbursing officer; the amount of accounts rendered by them; and the balance remaining in the hands of each, at the close of the year. By this statement it appears, that the total amount of remittances during the year 1825 was $634,079 38

The amount of accounts rendered and settled during the same period was 629,720 43

The balance remaining in the hands of disbursing officers, at the close of the year, $ 4,358 95

The whole of which was accounted for in the first quarter of the present year. except a small balance due from the estate of a deceased officer, and this case has been placed in the hands of the agent of the Treasury.

Statement B exhibits an account of the moneys transmitted to the several disbursing officers of this Department, during the three first quarters of the present year; the amount of accounts rendered by them during the same period; and the balance remaining in the hands of each at the close of the third quarter. By this statement it appears. that the total amount transmitted, was $391,657 16

The amount of accounts rendered, 351,919 18

The amount remaining unexpended in the hands of disbursing officers, at the close of the third quarter, and applicable to the service of the fourth quarter, was $ 39,737 98

The accounts of all the disbursing officers of this Department have been rendered up to the 30th of September last, with one exception. The accounts from the Armory at Harper's Ferry have not yet been received for the third quarter.

Statement C exhibits an account of the work done, and of the supplies procured, at the several arsenals and armories, during the year ending September 30th, 1826. By this statement it will be seen, that 25,690 muskets have been made at the national armories during the year. This number falls short of the number made during the previous year. The diminution was occasioned principally by bilious fevers, which prevailed to a great extent among the workmen at Harper's Ferry, for two or three months of the latter part of the Summer and Autumn. In addition to the particulars exhibited in this statement, other business, such as repairs of buildings, arrangement and repairs of military stores, &c. which cannot be particularized in a tabular form, have received due attention.

Statement D shows the number and description of small arms, artillery, and equipments procured, and the expenditures made under the act for arming and equipping the militia, during the three first quarters of the present year. The arms procured are 6480 muskets, and 3280 rifles; the artillery, thirty-two six pounder, and three twelve pounder field carriages and equipments. Two million and five thousand flints have also been procured. The amount expended for small arms and artillery for arming the militia, was $141,026 66

Statements E and F show the number of arms which have been apportioned to each of the several States and Territories, for the years 1824 and 1825. The whole number apportioned for these two years is 30,000. But a small proportion of them have yet been distributed. They are, however, all in readiness to be delivered, whenever required by the proper authorities of the respective States to which they have been apportioned.

There are now in the public arsenals, about thirty-six thousand muskets, which are due to the several States, under former apportionments: these, with the number which may be apportioned for the present year, making in all upward of fifty thousand, it is contemplated to distribute early next season.

Statement G shows the number and description of the ordnance, arms, and military stores, issued from the arsenals, to the army and military posts, during the three first quarters of the present year.

Statement H exhibits an account of the operations of the United States' lead mines in Missouri, and in the vicinity of Fever river. By this statement it appears that the lead made at those mines during the year ending on the 30th September last, amounted to 2,333,804 pounds; and that the rent accruing during the same period was 233,380 pounds; 208,440 pounds of which has been collected and deposited in the public stores. The total number of leases which have been granted for working the lead mines, is sixty-one; being an addition of thirty-four during the year past. These results, although they fall short of the estimates presented in the last annual report, show that the business is rapidly extending. The number of leases which have been granted, prior to the year 1825 was seventeen; the lead made at the same was 138,644 pounds. During the year 1825 the number of leases was extended to twenty-seven; and the lead produced in that year was 887,298 pounds. The number of leases now granted, as above stated, is sixty-one; and the lead produced in this year is extended to 2,333,804 pounds. The value of this product for the last year to the section of country which produces it may be estimated at about $120,000.

Under the act passed at the last session concerning the United States' arsenal at Augusta, a suitable site has been selected and purchased; and the necessary arrangements preparatory to erecting the buildings have been made. The site for an arsenal at St. Louis has not yet been procured. Several sites have been examined, and reported on. But as some difference of opinion prevailed, among those who examined the sites, as to their respective eligibleness, it was con-

sidered most advisable to have a further examination made. This has occasioned some delay in determining the choice of a site. Such arrangements for procuring building materials have been effected, as will admit of the works being commenced very early in the ensuing Spring. The act "granting certain grounds to the city of Detroit" has been carried into effect. The proper authorities of the city have been placed in possession of all the grounds not reserved by the act for the use of the United States, except a small lot occupied by a magazine, which is temporarily retained, until another magazine shall be erected.

A part of the appropriation for building an arsenal at Vergennes, in Vermont, has been applied to that object. The season was so far advanced before the works could be advantageously commenced, that they could not be completed during the present year.

The rifles, which, by the resolution of May 20, 1826, were directed to be delivered to Captain Aikins' volunteers, have been prepared, and forwarded to the arsenal (nearest to the residence of the several persons named in the resolution) for distribution.

I have the honor to be, respectfully, your obedient servant,

GEO. BOMFORD,
Bt. Col. on Ordnance Service.

The Hon. JAMES BARBOUR,
Secretary of War.

C.

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(D.)

STATEMENT of the Arms, Artillery, and Equipments, procured, and of the Expenditures made under the Act for Arming and Equipping the Militia, from the 1st of January, to the 30th September, 1826.

ARMS, &c. PROCURED.				
Muskets complete.	Rifles complete.	6 Pounder travelling carriages, with equipments complete.	12 Pounder travelling carriages, with equipments complete.	Flints.
6480	3280	32	3	2,005,000

EXPENDITURES, VIZ.

Amount paid for Arms, &c. procured - -	$137,778 50
Amount paid for inspection, packing-boxes, storage, and distribution to the respective States -	3,248 16
Total amount drawn from the Treasury,	$141,026 66

ORDNANCE DEPARTMENT,
November 28, 1826.

G. BOMFORD, *Brevet Col.*
On Ordnance Service.

(E.)

APPORTIONMENT of Arms to the Militia, for the year 1824, *under the law of* 1808 *for Arming and Equipping the whole body of the Militia.*

STATES AND TERRITORIES.	Date of the Return.	Number of Militia.	Number of Arms apportioned.
Maine - - - -	1824	38,221	528
New Hampshire - -	1824	28.705	397
Massachusetts - - -	1824	53,842	744
Connecticut - - -	1824	26,288	363
Rhode Island - - -	1824	10,812	149
Vermont - - -	1823	27,653	382
New York - - -	1824	152,146	2,102
New Jersey - - -	1823	42,300	585
Pennsylvania - - -	1823	158,512	2,190
Delaware - - -	1814	7,451	103
Maryland - - -	1824	40.091	554
Virginia - - -	1824	96,709	1,336
North Carolina - -	1824	58,453	808
South Carolina - -	1820	28,230	390
Georgia, - - -	1819	29,661	410
Kentucky - - -	1824	68,013	939
Tennessee - - -	1823	42,715	590
Ohio - - - -	1824	99,865	1,380
Louisiana - - -	1821	10,189	141
Indiana - - - -	1823	15,808	219
Mississippi - - -	1812	5,291	73
Illinois - - - -	1822	8,521	118
Alabama - - - -	1820	20,000	276
Missouri - - - -	1823	10,000	138
Michigan - - -	1822	1,503	21
Arkansas - - - -	1824	2,028	28
Florida * - - - -			
District of Columbia -	1824	2,600	36
Total	-	1,085,607	15,000

* No return.

ORDNANCE DEPARTMENT,
Washington, November 28, 1826.

G. BOMFORD, *Brevet Col.*
On Ordnance Service.

(F.)

Apportionment of Arms to the Militia, for the year 1825, *under the law of* 1808, *for arming and equipping the whole body of the Militia.*

STATES AND TERRITORIES.	DATE OF THE RETURN.	NUMBER OF MILITIA.	NUMBER OF ARMS APPORTIONED.
Maine - - -	1825	38,377	520
New Hampshire -	1825	28,970	3[illegible]4
Massachusetts -	1825	55,060	748
Connecticut - -	1825	22,741	309
Rhode Island - -	1825	10,812	147
Vermont - -	1823	27,653	376
New York - -	1824	152,146	2,067
New Jersey - -	1823	42.300	575
Pennsylvania - -	1823	158,512	2,154
Delaware - -	1814	7,451	101
Maryland - -	1825	40,091	545
Virginia - -	1825	99,628	1,354
North Carolina -	1825	62,736	853
South Carolina -	1820	28,230	384
Georgia - -	1819	29,661	403
Kentucky - -	1825	68,518	931
Tennessee - -	1823	42,715	580
Ohio - - -	1825	104,819	1,424
Louisiana - -	1825	11,188	152
Indiana - - -	1825	20,322	276
Mississippi - -	1812	5.291	72
Illinois - - -	1822	8,521	116
Alabama - -	1820	20,000	272
Missouri - -	1823	12,000	163
Michigan - -	1822	1,503	21
Arkansas - -	1825	2,028	28
Florida* - -			
District of Columbia	1824	2,600	35
Total	-	1,103,873	15,000

G. BOMFORD,
Brevet Colonel on Ordnance Service.

ORDNANCE DEPARTMENT,
Washington, November 23, 1826.

* No return.

H.

REPORT OF THE CHIEF ENGINEER

FOR THE YEAR 1826,

RELATING TO

Fortifications, Internal Improvements,

AND THE

MILITARY ACADEMY.

ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

1. A table marked O, showing the moneys applicable and their application to those objects.
2. A table marked P, showing the Fortifications projected, but not commenced.
3. A report respecting the Dismal Swamp Canal.
4. The Report of the Board of Visiters which attended the Annual Examination at the Military Academy, in June, 1826.

ENGINEER DEPARTMENT,

November 18, 1826.

SIR: I have the honor to submit herewith the report required by your order of the 4th ult. It will exhibit the progress of Fortifications, Internal Improvements, and the Military Academy, during the year ending on the 30th of September last, and their condition at that date.

The accompanying table, marked O, will show what moneys were applicable to those objects during the period above stated, and how they were applied. It will also show that all the moneys advanced to distributing agents have been satisfactorily accounted for.

The table, also accompanying, and marked P, will exhibit the fortifications for which plans have been made by the Board of Engineers, and which have not been commenced. They are arranged in three classes, referring to the order in which they should be commenced, and the estimate of the cost is stated opposite to each.

The Board of Engineers for Fortifications, besides having prepared a report on the defence of the sea coast, by fortifications, which was laid before Congress at the last session, have been, and are now, engaged in preparing projects of works for Charleston, Savannah, and Pensacola.

An appropriation was made this year, for commencing and completing the Battery at Bayou Bienvenue.

Arrangements were made for commencing the work, but the result of experiments to ascertain the fitness of the soil, at the site selected, to support the foundations, having been unfavorable, a report was made to that effect, accompanied with a suggestion of the propriety of selecting another site. In a subsequent report, recently received, it is stated, that, on further examination and comparison of the site with others that might be selected, it has been ascertained to be as eligible, in regard to soil, as any one that could be substituted for it, and that it will be practicable to render the foundations secure by alterations which will adapt them to the soil, and which will be submitted for decision as soon as the drawings for exhibiting them shall be prepared.

Fort Adams, at Brenton's Point.—More than three-fourths of the sum appropriated has been advantageously applied to this work during this year. Stone, fit to be used in the construction of the work, is now procured on the land purchased as an addition to the site. It is estimated the amount that may be saved, by the reduction of the price of that material, in consequence of its being procured in the manner stated, will be equal, or nearly so, to the cost of the land.

Fort Hamilton, at New Utrecht Point.—It was stated, in the report of last year, that the measures adopted to get possession of the land upon which a part of the work would be located, had been unsuccessful, and that, in consequence, only one-half of the work had been laid out and commenced. The land in question was procured this year, but not until the season was too far advanced to lay out and commence the construction of the remainder of the work. The operations have been successfully and advantageously prosecuted, however, upon the part of the work which was laid out and commenced last year—the sum expended being greater than the amount of the appropriation of this year, and equal nearly to three-fourths of the amount available.

Fort Delaware.—This work will be finished in the course of the year. The injuries produced by the sinking of the foundations will then have been thoroughly repaired. The subsidence of the foundations, during this year, has been less than heretofore, and its tendency to increase old, and produce new injuries, has been of comparatively limited extent. It is proposed to load the foundations, as soon as practicable, with the armament intended for the fort, and, by that means, should they be still liable to further subsidence, to accelerate it, that its maximum may be ascertained. It is believed, if the work does not now possess it, that it will be practicable to give to it, ultimately, the strength and stability requisite to the fulfilment of the objects for which it is designed.

Fort Monroe.—The large sums expended upon this work, during the current year, have been judiciously and advantageously applied.

Fort Calhoun.—The laying of the foundations of this work was commenced this year. On account of the depth to which it was necessary to carry them, the work could be conducted only while the tide was at its lowest stage, and has progressed but slowly in consequence of the frequent interruptions incident to this mode of carrying it on. When the foundations shall have been laid, the work may be expected to progress rapidly.

Fort Macon, at Bogue Point, North Carolina.—The encroachments of the sea upon the site originally selected for this work, made it necessary to select another site, and the time consumed in the surveys and other preliminary arrangements requisite to the fulfilment of that object, delayed the commencement of the work, until July last. Its progress since has been greatly retarded by the difficulty of procuring suitable materials and workmen. It is proper to remark that, although an appropriation was made last year to commence this work, no officer could be spared to undertake it until the month of November. The land requisite for the site of the work, has been valued by assessors, appointed by the State of North Carolina, and the Engineer has been authorized to conclude the purchase agreeably thereto.

Fort at Oak Island, at the mouth of Cape Fear River.—An appropriation was made last year, for the commencement of this work, also, but no officer could be assigned to its superintendence until late in the season. The site has been purchased, materials have been collected, and wharves and other conveniences to facilitate their reception, removal, and preservation, have been prepared. Buildings for store houses, for workshops, and for lodging workmen, have also been erected. Competent workmen could not be obtained in the neighborhood, and arrangements have been made for procuring them from the North. On their arrival the main work will be commenced.

Fort at Mobile Point.—The construction of this work has progressed very favorably this year. On the 30th September last, the sum expended had exceeded the amount of the appropriation of this year, and it is believed the balance of the appropriation of last year will have been expended ere this.

Fort at Chef Menteur.—More than three fourths of the appropriation of this year has been applied in a satisfactory manner to this work. It may be completed next year with the sum estimated for that purpose.

Fort Jackson at Plaquemine Bend.—The weather and other circumstances have been as favorable this year as they were disastrous last year, for carrying on the works of this Fort. The limited extent of the work done last year, has been fully compensated for by the quantity executed this year. The sum of $83,000 was reported last year as remaining unexpended; it has been expended, together with $23,000 of the $90,000 appropriated this year. The remaining $60,000 will have been expended by the 1st of March next.

The Sea Wall, for the preservation of George's Island, in the Harbor of Boston.—This operation is connected with the subject of Fortifications, George's Island having been purchased as the site of a Fortification. The work has latterly progressed very rapidly, but its progress during the early part of the season, which was the most favorable for carrying on the work, was retarded greatly by the delinquency and ultimate failure of the contractor who had undertaken to execute it. It is expected the work will be in a condition, at the expiration of this month to afford the desired protection to the Island during the approaching inclement season, and that it will be finished early next year. Materials of the most durable quality, and workmanship of the best kind, have been applied to so much of the work as has been executed.

The repair of Fort Constitution, at Portsmouth, New-Hampshire.—This operation was authorized by a distinct appropriation, and will be completed in the course of this year.

The Site for a Fort at Throg's Point, in Long Island Sound, has been purchased, in fulfilment of an appropriation for that purpose. The appropriation also contemplated the purchase of the privilege of a right of way through the grounds adjoining the site. This has not been done, because such a one as was desired could not be obtained.

It is proper to state, that expense would be saved and facility afforded to the prosecution of the Fortifications, if appropriations for them, entire or partial, could be obtained at the commencement of the Session of Congress.

The Board of Engineers for Internal Improvements have been occupied chiefly during this year in preparing their Reports on the National Road from the Seat of Government to New-Orleans, and the Chesapeake and Ohio Canal, both of which have been completed. Connected with the object last stated, they have examined the Wills' Creek and Castleman River route which had not before been examined by the Board. The have also fulfilled the duties assigned them by the Act of the 18th of May last, for the subscription of Stock in the Dismal Swamp Canal Company, and a copy of their Report is transmitted herewith. Besides the foregoing, the Board have prepared instructions relating to surveys; have inspected the Delaware and Chesapeake Canal; and are now engaged in an examination for the purpose of locating a Mail Route between Baltimore and Philadelphia.

The Board have been so entirely occupied with the objects just stated, that they have not been able to prepare the project for a Canal to connect Lake Pontchartrain with the Mississippi River, which was stated in the Report of last year as one of the objects to which their early attention would be given. It will be completed, if practicable, before the Board proceed to the examinations relative to the Florida Canal, the Canals to connect the Coosa with the Tennessee, and to overcome the obstructions in the latter at the Muscle Shoals, and other objects to which their attention will be directed in that section of the country. But if it cannot be completed before

those examinations shall be commenced, it will be attended to as soon as the Board shall be disengaged from them.

Under the Act of the 30th of April, 1824, the Topographical and Civil Engineers have been employed during this year, upon the following surveys:

One brigade under the direction of a Topographical Engineer, has

1st. Surveyed the Kennebeck River from Bath to Augusta, on both shores, and around all Islands, by a connected series of triangles, and with chain and compass. The soundings throughout were also taken. The distance on the route of the river, 40 miles; the length of chain work, 120 miles.

2d. Surveyed the Kennebeck from Augusta to Scowhegan, leveled the same, and collected the requisite data for locks, dams and partial canals. The distance on the route of the river 35 miles.

3d. Examined the Androscoggin River, the distance of 90 miles, and levelled all the falls.

4th. Surveyed three different routes for the Brunswick Canal, and feeder; length 20 miles.

5th. Surveyed the Gardiner Canal route; length about 20 miles.

6th. Surveyed the Amonusick Canal route and feeders; length about 40 miles.

7th. Surveyed the Sunapee Canal route and feeders; length 60 miles.

8th. Surveyed the Oliverian Canal route to the Winnipiseogee, about 50 miles.

9th. Surveyed the Dover Canal route, which, with the feeder and variety of the line, included about 40 miles.

10th. Surveyed the Pasumpsic route and feeders; about 60 miles.

11th. The Rutland route, feeders, and varieties in the line, 35 miles.

A Topographical Brigade is now engaged in making examinations relative to a route for a road between this city and Buffalo. They will be completed in the course of three or four weeks, and the result will be ready to be acted upon, if desired, in the course of the winter.

A brigade under the direction of a Civil Engineer has completed a survey of a canal route to connect the Basin of Baltimore with the line of the Chesapeake and Ohio Canal, and is now engaged in an examination to ascertain the practicability of connecting therewith a line from Annapolis.

A Civil Engineer made an examination last winter to determine whether the Juniata river could be connected with the Wills' creek and Castleman river route of the Chesapeake and Ohio Canal, and his report thereof was transmitted to the House of Representatives in April last.

A Topographical Brigade made, last Winter, the surveys and levellings requisite to ascertain the practicability, and, if practicable, the means, of carrying a feeder from the Deep creek to the Wills' creek summit level.

The same brigade examined, and reported upon, the several routes for a road to extend the Cumberland Road to Washington City.

The same brigade has been employed in surveys relative to the connection of the Kenhawa with the James and Roanoake rivers, and of the two last mentioned, by canals or rail-ways. The surveys relating to the route between the Kenhawa and James rivers have been nearly finished, and a preliminary examination of the Kenhawa and Roanoake route has been made.

The Topographical Brigade, employed last year in surveys connected with a canal route between Pittsburg and the mouth of Elk creek on Lake Erie, by the valleys of Big Beaver and Shenango rivers, and passing near to Conneaut Lake, has, after surveying a number of experimental lines, completed a location for the canal along the route indicated; and, also, of a feeder from French creek to Conneaut Lake. The surveys on this route have been far more minute than it has been customary heretofore for those for similar objects to be made. The location made is represented to be very satisfactory, altho' parts of it have been effected with extreme difficulty on account of the broken nature and irregularity of the ground through which it was necessary to carry it.

The same brigade was required to survey a route for a canal from Pittsburg along the valleys of Alleghany river and French creek to Conneaut Lake. It was also required to make the examinations necessary for determining upon a route for a road from the Black Swamp road to Cadiz, in Ohio, and its extension thence by a route to Wheeling, and another to Washington, in Pennsylvania; and, also, for determining upon a route for a road from the Black Swamp road through Wooster, Canton, New Lisbon, and Beavertown, to Pittsburg; the examinations required to be made, as has been stated, being in accordance with the views of the Committee of Roads and Canals of the House of Representatives, as set forth in their report of the 15th of May last, which was made in pursuance of resolutions of the House of the 16th of January and the 26th of April last.

The examinations relative to the routes for the roads above stated have been commenced, but whether any thing has been done in relation to the canal route from Pittsburg, along Alleghany river and French creek to Conneaut Lake is not known. In a report, received some time since, it was stated that a general examination of 20 or 30 miles of the route would probably be made during the month of October; reports, subsequently received, however, do not state that this examination had been commenced; and it is therefore presumed it has not been commenced.

A brigade under the direction of a Civil Engineer was assigned to the execution of surveys in Indiana, with a view to the fulfilment of the following objects:

1st. The connection, by canals, of the waters of Lake Michigan with those of the Wabash, by the St. Joseph of the Lake, Kankakee, and Tippecanoe rivers, and by the St. Joseph and Little rivers.

2d. Uniting by canals the Wabash with White river, by Mississinewa river and by Ponceaupicheaux river.

3d. Uniting by canals the St. Mary's, St. Joseph, and Wabash rivers, with the Ohio river, through the valley of White Water river.

4th. Overcoming the obstruction presented by the Falls of Ohio by a canal on the Indiana side of the river.

Of the surveys relating to the above specified objects, those connected with the 3d stated have been commenced, and it is expected will be completed this season, although their progress has been much retarded by the sickness with which nearly the whole brigade was afflicted during a great part of the Summer, and which proved fatal to the Civil Engineer. Since his death the operations have been conducted by the principal assistant, who is believed to be in every respect qualified for that duty.

On the completion of the 3d, the attention of the brigade will be directed to the 4th object stated, and if practicable to commence it this season.

The Western route of the National Road between the Seat of Government and New Orleans was examined last winter by a Topographical Brigade.

Orders have recently been given for surveys to be made at the mouths of Black river and Conneaut creek, on Lake Erie, and, should the weather permit, they will be made this season.

All of the surveys which have been prosecuted this year, under the act of the 30th of April, 1824, are comprised in the foregoing statement.

The survey of a part of the Island of Nantucket, which was commenced at a late period last year, was completed in a satisfactory manner in the early part of this season.

Under the act of the 24th of May, 1824, to improve the navigation of the Ohio and Mississippi rivers, an experiment for the removal of a sand bar, near Henderson, was commenced in 1824, and was completed last year. The removal of the bar has been effected, but it has not been deemed expedient to make the second experiment, authorized by the act, until a sufficient time shall have elapsed to test the permanency of the results produced by the first experiment.

Under the same act, a contract was made in 1824, for the removal of all snags, sawyers, planters, and other obstructions of that kind, which impede the navigation of the Ohio and Mississippi rivers. In the annual report of last year, it was stated that the officer appointed to superintend the execution of the contract, had reported its faithful execution, in relation to that part of the Ohio river between Pittsburg and Louisville. About the close of the year, however, representations were made to the War Department, from highly respectable persons, that the work which had been done, was not calculated to fulfil the object for which it was designed. An officer of Engineers was immediately despatched to examine the river. His report fully sustained the representations which had been made as above stated, and the officer to whom the superintendence of the contract had been confided, was put in arrest. Another officer was appointed to succeed him, and was directed to exact a rigid compliance with the terms of

the contract. The operations of the contract were, at this time, suspended, the water being too high to admit of their being carried on. Before they were resumed, a citizen of Kentucky was recommended by a number of the delegates from the Western States, as being highly qualified to superintend the execution of the contract, and, as the services of the officer then acting as superintendent were much wanted for other duties, he was appointed, and furnished with full instructions calculated to remove any existing difficulty, and prevent its recurrence. Under his superintendence the operations of the contract have been extended to the mouth of the Ohio river. They were there suspended, in consequence of the height to which the waters had risen, and the superintendent and contractor set out to return to their respective homes in Kentucky. Intelligence has recently been received that the former, who had been extremely ill during the Summer, experienced a relapse while on his journey towards his home, which occasioned his death. His principal assistant has been temporarily invested with the superintendency of the contract, until a permanent arrangement on the subject shall be made.

Under the act of the 26th of May, 1824, for deepening the channel leading into the harbor of Presqu' Isle, and for the repair of Plymouth beach, those operations have been successfully prosecuted, and are now nearly completed.

The work done at Presqu' Isle during this year, has increased the depth of the bar it is intended to remove to five feet, and it is now confidently expected the depth will be increased to nine or ten feet when the South pier shall be finished and the South dyke joined to it. These objects will be effected early in the ensuing year. During this year, a good deal of work has been done to the South dyke, and more is required to be done; and, as it had been understood the funds requisite to defray the expense thereof would be furnished by the State of Pennsylvania, and, consequently, no provision for the same had been made in the estimate upon which the appropriation to complete the work had been founded, it has become necessary to ask for an appropriation of $2,000 for that purpose. The work done has been executed in a manner highly creditable to the superintending officer.

The repair of Plymouth beach has progressed in a satisfactory manner during the present year. The results produced fully sustain the favorable anticipations of last year. Not a doubt now exists in regard to the adequacy of the work when completed to fulfil its destination. The work will be finished next year. The works have been conducted efficiently and with great economy.

The act of the 26th of May, 1824, to authorize the surveying and making of a road from a point in the Northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan, having been partially executed, was, at the close of the last year, committed to the Engineer Department for fulfilment. A report exhibiting the condition of the road at that time, was made to the House of Representatives, on the —— of January last. The report was accompanied by a statement of the contracts which had been entered into for the construc-

tion of the road, to such extent as the sum applicable to that object would allow of. The period for the completion of those contracts expired in June last. At that time very few, if any, of the contracts had been fully executed, although all of them were nearly so. Further time was allowed for completing them, but whether or not they have been completed, is not known; no report on the subject having been recently received. If they have not been, they doubtless will be completed in a short time.

The act of the 3d of March, 1825, for the continuation of the Cumberland road, contemplates the construction of a road from Canton to Zanesville, and the examination and survey of a route for the extension of the same from Zanesville to the permanent seat of Government of the State of Missouri, passing through the capitals of the States of Ohio, Indiana, and Illinois.

With a view to the construction of the road from Canton to Zanesville, contracts were entered into last year for the execution of the grading, the masonry of the bridges, culverts, &c. and two layers, each of the thickness of three inches, of the pavement of stone, reduced to the small size, upon the M'Adam plan, for the distance of 26 miles and 88 poles, extending from Canton to Fairview; and, in the course of this year, a good deal of the grading and masonry was completed. The same contracts have been prosecuted during the present year, and will probably be completed before it expires. They embrace three divisions—the whole distance from Canton to Zanesville having been laid off into seven divisions, and each division into sections of lengths adapted to the probable cost of constructing the road upon them with a view to having the cost of each nearly the same, and sufficiently limited to admit of their being respectively embraced, by a single contract for each of the several kinds of work to be done upon them. The fourth and fifth divisions, extending from Fairview to Cambridge, and the second, third, fourth, and fifth sections of the sixth division, have been put under contract this year, for the grading and masonry required for them. The distance put under contract this year, as above stated, exceeds 23¾ miles.

Between Canton and Fairview the new road, in some places, occupies the site of the old road; and, in other places, the effect of its construction has been to produce injuries to the old road, which must render it unfit to be travelled upon during the ensuing Winter. It will therefore be unavoidable to allow the new road to be travelled upon the ensuing Winter, at the places alluded to: and, as it may be doubted, if, upon a soil recently formed, a pavement, of the thickness of six inches, recently laid, will have acquired the requisite solidity to sustain, at that season, without experiencing injury, the travelling of heavy carriages upon it, an additional layer, of the thickness of three inches, has been authorized to be put upon the pavement, and contracts have been made for the accomplishment of this object without delay. The distance to receive the additional layer of stone, as above stated, will be about 8 miles.

The fulfilment of existing contracts, will absorb the amount available from existing appropriations, with the exception of about $7,000,

which have been reserved to cover extraordinary contingencies, which may occur. Of the contracts entered into this year, those for masonry will probably be fulfilled in the course of next year—Those for grading stipulate that the road shall be in a condition that will admit of its being travelled upon. by the 12th of July next; and, that it shall be left free to be travelled upon until the 1st of May following, when it is to be re-graded, and put in proper condition for the reception of the pavement. The report of a recent inspection of the road from Canton to Washington, represents the location to be judicious, and the work, as far as it had progressed, to have been well executed, and in due proportion to its cost.

The examination and survey of a route for the continuation of the road beyond Zanesville, were extended last year, from Zanesville to Columbus. During the early part of this season, the Commissioner was occupied in the re-examination and survey of the route from Fairview to Zanesville, and the final location of the same. The location made has been very eligible. The distance is 44 miles and 272 poles, which is nearly three fourths of a mile shorter than the location originally made, and the distance of extreme grade is only 9 miles and 192 poles, while, in the original location, it was 16 miles and 82 poles.

The examination has been extended this year from Columbus to Indianapolis—It embraced the direct route, and a route through Springfield, Richmond, and Centreville. It was also contemplated, to examine a route through Dayton, Eaton and Springfield. The survey of, and location upon, the direct route from Columbus to the State line, dividing Ohio and Indiana, will be made this year. The distance from Columbus to Indianapolis, is estimated at 167 miles.

The condition of the old Cumberland road, having attracted the attention of Congress at the last session, orders were given to an Officer of this Department, who had occasion to pass over it lately, while proceeding to the execution of other duties, to make such an inspection of it, as would be practicable in travelling along over it in the stage. He has reported it to be in very bad condition, and particularly that part of it between Cumberland and Uniontown. The superstratum, or top dressing of small stone, which was originally of the thickness of six inches, has almost entirely disappeared, which is accounted for by the supposition, that it had been washed off the road during heavy rains, after having been gradually pulverized, or displaced by the heavy waggons which passed over it. It is also supposed the hard foundation of large stones upon which it rested, by divesting it of elasticity, or the capacity of yielding to, and thereby neutralizing the effect of the heavy waggons passing over it, was the chief cause of its destruction. The large stones composing the substratum or foundation, are generally disunited, in many instances displaced, and frequently lying loose on the top of the road. The consequence is, that the surface of the road is extremely rough, and the travelling upon it inconvenient for slow draught, and dangerous for swift draught carriages. The opportunities afforded of observing the condition of the masonry of the bridges, culverts, &c. were

not such as to admit of an accurate opinion being formed, in relation to it. The graduation, as far as it could be judged of, was considered objectionable in several places, where the extreme grade appeared to be greater than five degrees. The route of the road is very direct, and it is therefore inferred the location is very advantageous; but, whether it is the most eligible that might have been made, could be determined only by comparing it with such others, as may be practicable. The only part of it which attracted notice as being otherwise than eligible, was in the immediate vicinity of Wheeling, where, at a steep grade, it is carried over a hill. It was understood it might have been carried round the hill, at a level, or nearly so; and that, although the distance upon the location around the hill would have been greater, the time required to travel it would have been less; and, moreover, that the expense of construction would not have been so great.

The Commissioners appointed under the act of the 3d of March, 1825, to authorize the surveying and opening of a road from Detroit to Chicago in the State of Illinois, have effected those objects, and furnished their report relative thereto.

The Commissioners appointed under the act of the same date as that above stated, to authorize the surveying and making a road from Little Rock to Cantonment Gibson, in the territory of Arkansas, have completed the duties assigned them, and reported the result.

The Commissioners appointed under the act also of the same date as the two above mentioned, to authorize the President of the United States to cause a road to be marked out from the Western frontier of Missouri to the confines of New Mexico, are understood to have accomplished the object for which they were appointed, but no report thas yet been received from them.

Under the act of the 3d of March last, for the survey of a route for uniting, by a Canal, the Atlantic Ocean with the Gulf of Mexico, across the Peninsula of Florida, a Topographical Brigade, divided into two parties, has been employed this year. Instructions for carrying into effect the objects of this act, were furnished in March last, but the Brigade did not reach St. Augustine until about the middle of June, in consequence of unavoidable delays which were experienced in the procurement of suitable instruments, and in the completion of other requisite arrangements. The division of the Brigade into two parties, was made on its arrival at St. Augustine, and one of the parties was despatched to the Gulf of Mexico. The two parties have been employed in making such surveys along the coasts of the Atlantic and the Gulf of Mexico, as were required for ascertaining the points on each coast which would answer as outlets for the Canal. No report of recent date has been received from either party, but it is believed, from the progress made in those surveys at the date of the last report received, that they have been completed, and that the parties, in pursuance of the plan of operations laid down in the instructions, are now prosecuting the surveys across the Peninsula.

The act of the 20th of May last, for improving certain Harbors, and the navigation of certain Rivers and Creeks; and for authorizing surveys to be made of certain Bays, Sounds, and Rivers, therein mentioned, was, in the month of June last, committed to the Engineer Department to be carried into effect. The act comprehends twenty-three distinct objects. At the time it was committed to the Engineer Department, all the Engineers under its direction were employed in duties connected with other objects, the fulfilment of which could not be relinquished or postponed without detriment to the public interests. Notwithstanding this difficulty, it was determined to employ the United States Engineers as far as practicable in the accomplishment of the several objects specified in the act, and to resort to such other means as could be procured for the fulfilment of such of them as could not be attended to by the Engineers. Arrangements were made accordingly, without delay, and the following is a statement of their results:

Steel's Ledge, near the Harbor of Belfast, in Maine, having been examined, it was ascertained the Pier required to be built upon it could not be completed this year before the approach of the inclement season, during which it would be difficult, if not impracticable, to carry on the work. It was therefore determined to postpone its commencement until next year, and during the ensuing Winter to collect the necessary materials, which it is understood may be procured on better terms during the Winter than at any other season. The progress of the work will be facilitated by the efficient aid of the Collector of Belfast, which has been politely offered.

An experienced Engineer was directed to ascertain what measures were necessary to be adopted for the preservation of the point of land forming Provincetown Harbor, to employ a person competent to superintend their fulfilment, and to furnish him with instructions for that purpose. Having failed to procure a Superintendent, and conceiving the most important part of the work to be done was to arrest the drifting of the sand, by the transplantation of beach grass at the points where its further progress might be attended with injury, which could be effected in the Spring of the year only, he suggested the propriety of postponing further measures until next year, and, in the mean time, if necessary, to procure from the State of Massachusetts, suitable legislative provisions, to prevent depredations by cattle, or otherwise, upon the grounds to be protected.

A Topographical Brigade has been assigned to the execution of the surveys required to be made at Pisquataqua River, of the Harbor of Edgar-town; of the Bar at the mouth of Merrimack River; of the Harbor of Hyannis and of Saugatuck River and Harbor. At the date of the report last received, two of these surveys had been completed, a third nearly so, and preparations for commencing a fourth in readiness; the remaining one, that at Saugatuck, would, it was expected, be commenced and completed in the course of this month.

At the particular desire of the citizens of Buffalo, a Civil Engineer, who had been employed on the Erie Canal, was appointed to su-

perintend the building of the new Pier, and repairing the old one at the mouth of Buffalo Creek. He submitted plans for the accomplishment of those objects, which were approved, and being authorized thereto, he entered into a contract for carrying them into effect, which is now in the process of execution and will be completed next year.

Negotiations are now pending, for procuring by contract, a Dredging Machine, to be applied to clearing out and deepening the Harbor of Sackett's Harbor.

The survey of Oswego Bay and Harbor has been completed.

The Engineer of Fort Delaware, in pursuance of instructions, has furnished a plan for the Piers required to be built in the River Delaware, at New-Castle. The sum estimated to be necessary for its fulfilment, is greater than the sum appropriated for that purpose. The place is designed as well to afford shelter to vessels from floating ice and storms, as to produce a greater depth around the old Piers by diverting from its regular course the current of the river, and causing it to act against the alluvial deposite, by the accumulation of which around the old Piers, the depth at them has been progressively diminished. A partial completion of the plan would fulfil the first object, should its extent be adequate to the accommodation of the number of vessels which may require the shelter it would be designed to afford, but its entire completion is supposed to be necessary to effect the second object stated. It is possible, however, that both objects may be fulfilled by a partial completion of the plan to the extent the appropriation would authorize. The mode proposed for the construction of the Piers, has, therefore, been adapted to this possible event. The whole length of each Pier, 150 feet, instead of being constructed continuously, is intended to be composed of a series of blocks, each 25 feet in length, to be laid in succession and connected after being laid. Thus the plan is susceptible of curtailment or enlargement without impairing its efficiency.

It is suggested, that the repair of the old Piers be postponed until it shall be ascertained whether the new Piers will produce the effect anticipated, of deepening the water around them.

The survey required to be made of the Public Piers at Chester, on the Delaware, has been completed.

The Engineer at Presqu' Isle, under general instructions from the Engineer Department, furnished plans and estimates for the works authorized for the removal of obstructions at the mouth of Grand River, Ashtabula Creek, Cunningham Creek, and Huron River on Lake Erie, and has also furnished particular instructions for carrying them on under the immediate superintendence of citizens of respectability and suitable qualifications, who have been engaged for that purpose. Contracts have been made for procuring the requisite supplies of materials, and the construction of the several works is going on, and will be completed in the course of next year.

An officer detached from the Topographical Brigade employed on the Canal route between the Ohio and Lake Erie, has, under instruc-

tions from the Chief of that Brigade, completed the survey of La Plaisance Bay, and is now engaged in the survey of Sandusky Bay.

The surveys required to be made in North Carolina, of the Swash in Pamtico Sound, near Ocracock Inlet; of Cape Fear River below the Town of Wilmington; and of Roanoke Inlet and Sound, will be commenced by a Topographical Brigade, already warned for that purpose, as soon as it shall be disengaged from other duties upon which it is now occupied. It had been expected the Brigade alluded to would have been ready to have commenced those surveys early in last month, and it is understood that expectation would have been realized, but for the sickness of some of the officers attached to it, which retarded the progress of the work upon which it has been engaged. The departure of the Brigade for North Carolina will take place, certainly, within a fortnight.

The senior Engineer on the Gulf of Mexico, and the Engineer at Mobile Point, were instructed to ascertain the nature and extent of the obstructions at the harbor of Mobile, and the means best calculated for removing them, and for deepening the harbor; and to report the result, and furnish a plan and estimate for effecting those objects. The former had been prevented by sickness from engaging in that duty, but at the date of the last report from him, his health was nearly re-established, and he was preparing to join the latter, who, having already commenced, will have completed the requisite preliminary surveys, by the time the other will probably have joined him; and their joint report may therefore be shortly expected.

The Military Academy has progressed in a very satisfactory manner, during this year. The Board of Visiters, who attended the annual examination, in June last, have made a report, in which the most favorable representations are contained, respecting the condition of the academy at that time, and its progress during the year preceding. Their report, among other suggestions for the improvement of the institution, renews the recommendation which had been made on previous occasions, relative to the introduction of the cavalry exercise, as an additional branch of instruction. The report is transmitted herewith. There were forty-two cadets graduated in June last; and two hundred and forty-six were at the academy on the first of this month.

The remarks which concluded the annual report of last year, relative to the inadequacy of the present numbers of the Corps of Engineers, and the Topographical Engineers, to attend to the duties required to be performed, under the direction of the Engineer Department, have been very fully illustrated during this year, as will be perceived by the foregoing report. It is therefore greatly to be desired, that the bill introduced in Congress at the last session, for increasing those numbers, may be passed at the ensuing session.

All which is respectfully submitted.

ALEX. MACOMB, *Maj. Gen. Chief Eng.*

The Hon. J. Barbour,
Secretary of War.

Doc.

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Col. Gratiot's Report on the Dismal Swamp Canal.

Maj. Gen. ALEXANDER MACOMB,
Chief Engineer:

WASHINGTON, *2d August*, 1826.

SIR: In obedience to the instructions of the Department assigning to me, as a member of the Board of Engineers, the duty of carrying into effect the third section of the act of Congress of the 18th May last, in relation to the Dismal Swamp Canal, I have the honor to report—

That it is my opinion that "the plan on which the canal is to be executed will answer as far as circumstances shall permit, as a part of the chain of canals contemplated along the Atlantic coast, and that the sum authorized to be subscribed for will be sufficient to finish it according to said plan," with the additions recommended, and hereinafter particularly described.

There were no regular plans relating to the canal in the possession of the Canal Company. The plans above alluded to are those which were necessarily prepared to illustrate the opinion required to be furnished in fulfilment of the 3d section of the law above stated. They are, however, adapted to the existing circumstances of the canal, and therefore may be considered as the regular plans of the canal.

The system of coastwise canal navigation is supposed to be understood as requiring a depth of eight feet. The Board of Engineers, in relation to the Chesapeake and Delaware, and Delaware and Raritan Canals, reported as their opinion that that depth was necessary. Their Report was before Congress at the time the law under which this opinion is given, was passed. It might be presumed, therefore, that the allusion in the law to the chain of canal navigation had reference to that depth. It is also to be presumed that it was the intention of Congress that the Dismal Swamp Canal should be of that depth, if circumstances would permit. But it is also to be considered that the exhibit of the Canal Company, in which is stated what were the existing circumstances of the canal, and the papers published, document 15 of the last session of Congress, in which an opinion is expressed favorable to the adaptation of those circumstances to the continuation of the coastwise canal navigation, were also before Congress at the time it was passed. It is therefore to be inferred that the great importance, in a national point of view, of having a continuous coastwise navigation, of a depth sufficient to accommodate the greatest draft of coasting vessels, induced the Congress to desire that all proper measures should be taken to determine, with certainty, whether or not it would be practicable to secure this important facility to commerce to the extent desirable. But the paramount consideration was to secure the continuation of the navigation, not uniformly at the greatest depth, but at any depth, which would fulfil the object contemplated. Hence, it is presumed that the Board of Engineers, which had expressed opinions in relation to the other canals mentioned, were required to express their opinion in this case.

It is manifest, from the state of the facts before Congress, that the continuation of the canal with the greater depth stated, was hardly expected. It is therefore unnecessary to enter into any details to sustain the opinion which has been herein before given, in relation to the adaptation of the plan to the existing circumstances, which are known to be the obstructions of the navigation of the sounds and inlets of North Carolina. The nature of these obstructions have been fully exhibited in the reports on the subject which have been presented to Congress and published. The only question to be considered was, whether they were susceptible of improvement, and, if so, in what degree. This circumstance has not been overlooked. From the best information which could be obtained, it appears entirely doubtful if those waters are susceptible of any improvement whatever. As far as facts are known, the conclusion would be warranted that they are not susceptible of improvement.

In recommending the plan submitted herewith, it is proper to state that it has been adapted to existing circumstances. The permanent locks already finished, and which form a large item in the cost of the canal, were necessarily made the standard to which other circumstances were adapted. In this adaptation it would have been desirable that the width of the canal at the water line could uniformly have been about forty-eight feet, that width being necessary to afford vessels of the greatest breadth that could be carried through the locks, to pass each other freely. But it was found that the Canal Company had made arrangements for facilitating the passage of vessels by the establishment of recesses at convenient distances. This mode, though inferior to the other, has been accepted, because it is believed it will afford facilities adequate to the existing occasions, and, at the same time, will conform with the views of the Company.

It is unnecessary to enter into minute detail of the several objects to which the appropriation is intended to be applied, or of the manner of making the application. The estimate herewith will furnish very sufficiently the information in relation to the former, and the plans will exhibit distinctly the mode of effecting the latter. It may be proper, however, to remark that the estimate conforms with the estimate appended to the exhibit of the Canal Company, which was addressed to, and laid before, Congress, with the exception only of the amounts referring to the several objects being less than those stated in that estimate, and of the excavations of the canal, and of the establishment of an additional lock, being provided for by the amounts arising from the reduction of the several amounts as alluded to. It may, however, be proper, as these objects are new, to describe them, and to state the circumstance which have led to their adoption. With respect to the deepening of the canal, it is sufficient to refer to the plan to explain the necessity for, and the manner of effecting it. The additional lock is required to raise the water in Deep Creek, so as to ensure a continuous navigation during all stages of the tide; which does not exist at this time, and could not be secured without it.

The drawings submitted herewith consist of two sheets: one of

them exhibiting the topography of the country; the outlines of the canal, and longitudinal sections thereof, as now existing, and as contemplated to be finished; and the other, transverse sections exhibiting every part of the canal where there is a difference in the dimensions, together with the appearance at this time, and what it will be when completed; also, a table consolidating the particulars of the several sections presented.

The papers accompanying are a General Estimate, and a particular estimate of the details of the additional lock.

Respectfully submitted,

C. GRATIOT,
Lt. Col. of Engineers, and
Member of the Board of Engineers.

AN ESTIMATE for the Outfall Lock, in Carolina, of 7 feet water, 9 to 8 feet lift, with culverts, and every other part corresponding with the other Locks on the Dismal Swamp Canal.

1050	perches building stone -	at $ 3 00 -	$ 3150 00
1260	feet coping - -	55 -	693 00
2	sill stones 5 feet square -	- -	50 00
970	feet large pier stone -	60 -	582 00
650	large pier ashlers - -	- -	260 00
90	casks lime - - -	- -	180 00
350	do cement - -	- -	1400 00
3000	bushels coarse sand -	10 -	300 00
1200	do fine do - -	5 -	60 00
8500	feet 2 inch plank - -	$ 25 per M.	212 50
1500	do heart pine do - -	30 do -	45 00
2250	do 4 inch do - -	5 do -	112 50
1250	do heart do - -	7 do -	87 50
6000	do Northern pine - -	2 do -	120 00
793	do white oak timber -	15 do -	118 95
1044	do heart pine - -	14 do -	146 16
14321	do sap do - -	9 do -	1288 89
190	piles 10 feet long, 12 diameter	25 do -	47 50
	freight of stone from Deep Creek	- -	1175 00
	mason and stone cutter's work	- -	3000 00
10,000	Baltimore bricks - -	9 00 -	90 00
	carpenter's work - -	- -	1060 00
	castings - - -	- -	80 00
	blacksmith's work - -	- -	790 00
1450	lb. spikes - - -	10 -	145 00
650	lb. cut nails - -	8 -	52 00
294	lb. wrought nails - -	16⅔ -	49 00
500	lbs. lead - - -	10 -	50 00
	rigging and leather - -	- -	150 00
2	common pumps - -	- -	50 00
6	bbls. tar and turpentine -	- -	15 00
90	gallons fish oil - -	50 -	45 00
20	do linseed oil - -	1 00 -	20 00
5	kegs white lead - -	4 00 -	20 00
5	dozen spades - -	11 00 -	55 00
	Excavating and pumping water, and other labor	-	3000 00
			$ 18,700 00

ESTIMATE of the probable expense for finishing the Dismal Swamp Canal, viz:

Drawbridge at the road over the Pasquotank river -	$ 800 00
Deepening and improving Joyce's creek and Pasquotank river to the drawbridge, 1 mile and 240 yards, at $ 3,000 per mile - - -	3410 00
Lock at the South outlet of the canal into Joyce's creek, as per detailed estimate marked A -	18,700 00
Finishing second Lock. The materials for the construction of this Lock are on the spot, and the foundation of it already laid - - -	5,000 00
Excavation of the trunk of the canal to 32 feet wide and 6½ deep—slopes 2 height to 3 base, 129,346 yards, at 20 cents - - - -	25,869 20
Excavation of recesses or turn-out stations, one at each half mile, 20,724 yards - - -	4,144 80
Embankments, in addition to the present banks, 7674 yards, at 60 cents - - - -	4,604 40
Embankments in Deep creek to give approach to the Locks at low water, as per plan and estimate B	6,000 00
Lock in Deep creek to give approach to the canal at low water, and to debouch in 8 feet—the same as for South Outlet Lock $ 18,700; extra expense for coffer-damming, &c. $ 1,300 - -	20,000 00
Improvement of the feeder, as also for the continuation of a wooden Lock adapted for the passage of Lighters to Lake Drummond, and intended likewise to keep the waters of the Lake within its banks, either for the purpose of repairing the canal, or to regulate the supply of water required for the canal - - - - -	10,000 00
Opening a communication from the canal with Currituck Sound, to debouch in the Northwest river in 7 feet of water—distance 2760 yards, as per plan and section 26,820 yards, at 20 cents -	5,364 00
Construction of a Lock with the same for the passage of Lighters and small craft of not more than four feet draft: lift of the Lock 4′ 8″ -	10,000 00
Contingents, construction of bridges, enlargement of the recesses, &c. - - - -	36,107 60
	$ 150,000 00

DEPARTMENT OF WAR,

August 8th, 1826.

SIR: Lt. Col. Gratiot, of the Corps of Engineers, as a member of the Board of Engineers, has examined the Dismal Swamp Canal, and reported in writing, through the Engineer Department, as required by the 3d section of the Act of Congress, passed the 18th day of May last, entitled, "An Act for the subscription of stock in the Dismal Swamp Canal Company," "that the place on which the Canal is to be executed will answer, as far as circumstances shall permit, as a part of the chain of canals contemplated along the Atlantic coast, and that the sum authorized to be subscribed for, will be sufficient to finish it according to said plan."

A copy of the Report, dated the 2d inst. and a copy of the original estimate, which accompanied it, are transmitted herewith, in compliance with the intention of the Act aforesaid, not expressed, but distinctly to be implied.

The drawings accompanying the Report are deposited in the Engineer Department. If you desire it, they will be sent to you for inspection.

I have the honor, &c.

JAMES BARBOUR.

Hon. R. RUSH,

Secretary of the Treasury.

A.

WEST POINT, N. Y. *24th June*, 1826.

SIR: I have the honor to enclose herewith a Report of the Board of Visiters requested to attend the Examination of the Cadets at West Point Military Academy, in the present month.

With much respect, I have the honor to be, your obedient servant,

SAML. HOUSTON,
President of the Board.

To Hon. JAMES BARBOUR,
Secretary of War.

List of Papers enclosed.

A. Letter of the President of the Board of Visiters to the Secretary of War.
B. Journal of the Board of Visiters.
C. Report of the Committee of the Board on *Instruction* at the Academy.
D. Report of the Committee of the Board on *Discipline* and *Police.*
E. Report of the Committee of the Board on *Military* Instruction.
F. Report of the Committee of the Board on the *Civil Economy* of the Academy.
G. *General Report* of the whole Board on the entire state of the Academy.

GEO. TICKNOR, *Sec'y.*

WAR DEPARTMENT, *Nov.* 13, 1826.

SIR: I was duly honored with your letter of the 24th of June last, enclosing the Report of the Board of Visiters on the last General Examination of the Military Academy, and I have taken time to read it in all its parts.

The time and pains bestowed by the Board in listening to the recitations of all the classes of Cadets, while under examination, in the various branches of scholastic instruction; in witnessing their military exercises; and in inspecting and examining into the organization, administration, and police, of the Military Academy, in all its departments, afforded the completest opportunity of forming its report; and it is very satisfactory to learn, from so intelligent and competent a source, the high condition in which that institution appeared at the examination. The Department is under great obligations to you, and to the gentlemen associated with you in the laborious duty you have gratuitously undertaken, at its request; and I would respectfully ask leave to communicate to you, and, through you, to the other members of the Board, the satisfaction which your report has given.

I am, very respectfully, sir, your obedient servant,

JAMES BARBOUR.

Gen. S. HOUSTON.

B.

Journal of the Board of Visiters of the United States' Military Academy at West Point, June, 1826.

UNITED STATES' MILITARY ACADEMY,
West Point, June 5, 1826.

The Board of Visiters appointed by the War Department to attend the Examination of the Cadets in the Military Academy at West Point, to begin this day, assembled at 10 A. M. Present: General Samuel Houston, of Tennessee; Amos Lane, Esq. of Indiana; Hon. Joseph M. White, of Florida; Professor James F. Dana, of New Hampshire; Commodore Bainbridge, of the Navy; Commodore Chauncey, of the Navy; Commodore Jones, of the Navy; James Dean, Esq. of Vermont; and George Ticknor, Esq. of Massachusetts.

The Board having been called to order by Commodore Bainbridge, the oldest member present, and no President to it having been appointed by the Secretary of War, General Houston, of Tennessee, was unanimously chosen President, and George Ticknor, Esq. of Massachusetts, was unanimously chosen Secretary.

Immediately after its organization, the Board proceeded to the examination of the Cadets, beginning with the third section of the first class, consisting of thirteen Cadets, who were examined by Lieutenant Bache in different branches of Civil Engineering, viz. canals, bridges, architecture, carpentry, and stone-cutting, until 1, P. M. when the Board adjourned. At half past 3, the Board assembled again, and the examination of the same section was further continued in different subjects of Civil Engineering, viz. the construction of seaports, locks, bridges, and tunnels, until half past 5, when the examination of the second section of the same class was begun by Lieut. Mahan, in Civil Engineering, viz. roads, bridges, dams, masonry, and mortars. This section consisted of fourteen Cadets, and its examination was continued until 7 o'clock, when the Board adjourned.

JUNE 6TH.

Forenoon. The Board met at 8 o'clock. His Excellency Governor Morrow, of Ohio, Hon. Mr. Pearce, of Rhode Island, Thomas Kennedy, Esq. of Maryland, Dr. James Blythe, of Kentucky, and Col. C. C. Biddle, of Pennsylvania, appeared, and took their seats as members. The examination of the second section of the first class, by Lieut. Mahan, was continued in Civil Engineering, viz. canals, roads, and bridges, until half past 10 o'clock, when the first section of the same class, consisting of thirteen Cadets, was examined by Professor Douglass in Military Engineering, until 1 o'clock, when the Board adjourned.

Afternoon. The Board met at half past 3, and the examination of the same section was continued, as before, on Military Engineering, until 6 o'clock, when the Board went to the Library, and examined the drawings of all the Cadets of the second and third classes, until 7 o'clock, when the Board adjourned.

JUNE 7TH.

Forenoon. The Board met at eight o'clock. Commodores Bainbridge, Chauncey, and Jones, having left West Point. The second section of the first class, consisting of twenty-one Cadets, was examined in Political Economy and the Constitution of the United States, until 11 o'clock, by Lieut. Bowman, and from 11 o'clock till 1 o'clock on Rhetoric and Grammar.

Afternoon. The Board met at 3 o'clock, and the first section of the first class was examined in the same studies throughout, by Rev. C. P. McIlvaine, twenty Cadets being present, until 7 P. M. when the Board adjourned. J. K. Kane, Esq. of Pennsylvania, appeared this afternoon, and took his seat as a member.

JUNE 8TH.

Forenoon. Board met at 8 o'clock. The third section of the first class, fourteen cadets present, was examined by Lieut. Bache, in Military Engineering, until half past 12, when the Board adjourned.

Afternoon. Met at 3, P. M. Professor Dana was absent, having left West Point. Lieut. Mahan examined the second section of the first class, fourteen Cadets present. in Military Engineering, until 7 o'clock, when the Board adjourned.

JUNE 9TH.

Forenoon. Met at 8 o'clock. Professor Douglass examined the first section of the first class in Civil Engineering, thirteen Cadets present, until past 1 o'clock.

Afternoon. Board met at 3 o'clock. The Hon. Mr. White, of Florida, was absent, having left West Point. Professor Douglass examined the same section in Military Engineering, until past seven o'clock, when the Board adjourned.

Evening, half past 8 o'clock. The Board met by special notification from the Chair, to consider what business would come before it other than the mere examination of the Cadets; when, on motion of Rev. Dr. Blythe, it was

Voted, That ——— be a Committee to consider what business may properly come before this Board at its present session, and to report thereon.

The blank was filled by nomination from the Chair, with the names of Messrs. Ticknor, Kane, and Lane; after which the Board adjourned.

JUNE 10TH.

Forenoon. Met at 8 o'clock. Professor Dana present, having returned to West Point. The first section of the second class, fourteen Cadets present, was examined by Professor Mansfield in Natural Philosophy, until 1 o'clock, when the Board adjourned; and having *met again at three,* the same examination of the same section was continued until half past six. Mr. Kane took leave of the Board for a short absence.

JUNE 12TH.

Forenoon. The Board met at 8. Col. White again took his seat. The examination of the second section of the second class, in Natural Philosophy, fourteen Cadets present, was begun by Captain Smith, and continued until 1 o'clock.

Afternoon. At 3 o'clock the Board met, and resumed the examination of the same section, which was completed at half past 6.

Evening. The Board met at half past 8, in pursuance of special notice from the Chair. Present, all the members on the Point, including Mr. Kane, who returned this evening.

The records being read, a letter was communicated to the Board by the President, covering sundry resolutions of the Academic Staff, directing all information concerning the state and wants of the Academy to be communicated officially by the Superintendent to the Board.

Mr. Ticknor, from the committee appointed June 9th, to consider what business may properly come before this Board, reported the three following resolutions:

1. That ——— be a Committee on the Practical Military Instruction and on the Discipline and Police of this Academy, with directions to report on the condition of each, and on such changes as they may think desirable.

2. That ——— be a Committee on the state of General Instruction in this Academy, its means and results, with directions to report on the whole subject, and suggest such changes as they may think desirable.

3. That ——— be a Committee on the General Civil Economy of this Academy, with directions to report on its condition, and on such changes as they may think desirable.

Each of the above resolutions having been separately discussed, and unanimously adopted, it was ordered, on motion of Mr. Pearce, that the Committee on the first consist of three, that on the second of five, and that on the third of three persons; and that the nominations be made from the Chair.

The President gave notice that he would announce the several Committees to-morrow.

The Hon. Mr. White having moved the following resolution:

Resolved, That the President of this Board be requested to deliver an Address to the Cadets of this Institution, or to appoint some one of the Visiters to perform that duty:

Mr. Kennedy moved to strike out all the words after the words "this institution;" which motion being lost, the original resolution was unanimously adopted.

Whereupon the Board adjourned.

JUNE 13TH.

Forenoon. The Board met at 8, A. M. Col. Biddle was absent, having left West Point. Governor Holmes appeared and took his seat as a member. The examination was of the second class, third

section, 16 Cadets present, by Lieut. Parrott, in Natural Philosophy, and was continued until 1 o'clock; after which the Board remained in session, and the President made the following nominations of Committees under the three resolutions passed last evening, viz.

1. *Committee on Practical Military Instruction, and on Discipline and Police*—Col. Lane, Gov. Holmes, and the Hon. D. J. Pearce.

2. *Committee on General Instruction*—Mr. Ticknor, (Secretary of the Board,) Mr. Kane, Mr. Deane, Professor Dana, and Colonel Biddle.

3. *Committee on the General Civil Economy*—Colonel White, Gov. Morrow, and Mr. Kennedy.

The nominations being made, the Board adjourned.

Afternoon. The Board met at 3 P. M. The examination of the third section of the second class was continued, as in the morning, until 4 P. M. when the first section of the third class, 12 Cadets present, was examined by Professor Davies, in shades, shadows, and perspective, and in spherical projections, until 7 o'clock, when the Board adjourned.

JUNE 14TH.

Forenoon. The Board met at 8 o'clock. Mr. Markley, of Pennsylvania, appeared, and took his seat as a member, and Commodore Chauncey returned. The first section of the third class was still under examination, by Professor Davies, in shades, shadows, and perspective, in spherical projections, differential and integral calculus, and analytical geometry, until one o'clock, when the Board adjourned.

Afternoon. Met at 3 o'clock. Second section of the same class, 19 Cadets present, was examined in the same subjects, by Lieut. Greene, until 7 o'clock, when the Board adjourned.

JUNE 15TH.

Forenoon. Met at 8 A. M. Mr. Pearce, of R. I., was absent, having left West Point, and Col. Totten appeared, and took his seat. The examination of the second section of the third class was continued as before, by Professor Davies, until 10 o'clock, when the third section of the same class, sixteen Cadets present, was examined in the same subjects by Professor Davies and Lieut. Greene, until 1 o'clock, when the Board adjourned.

Afternoon. The Board visited the Laboratory, and saw the members of the first class engaged in preparing cartridges of all kinds, shells, carcasses, fuzees, &c. after which, the same class gave specimens of skill in target firings, and throwing shells and signal rockets.

JUNE 16TH.

Forenoon. Met at 8 A. M. The examination of the third section of the second class was continued by Professor Davies and Cadet Cram, until 1 o'clock, when it was completed, and the Board adjourned.

Afternoon. Met at 3 o'clock. General Houston and Mr. White were absent, having left West Point for a short time. The first and second sections of the second class were examined in chemistry, 22 Cadets present, until 7 o'clock, when the Board adjourned.

Colonel Totten was placed on the Committee for Military Instruction.

JUNE 17TH.

Forenoon. The Board met at 8, and Mr. Pearce, of Rhode Island, returned, and took his seat. The third and fourth sections of the second class, twenty cadets present, were examined by Professor Torrey, in Chemistry, until 11 o'clock, when the first and second sections of the first class were examined by him in Mineralogy, until 1, twenty-one Cadets being present.

Afternoon. Met at 3. The same sections were under examination until half past 4; after which the third and fourth sections were examined by Professor Torrey, on the same subjects, till 7, when the Board adjourned.

JUNE 19TH.

Forenoon. The Board met at 8. Gen. Houston returned, and Mr. Markley was absent. The first and second sections of the first class, 18 present, were examined by Major Worth, in tactics, until 11; after which the third and fourth sections, 21 present, were examined until 1; and the Board adjourned.

Afternoon. The Board met at 3. Mr. Kennedy was absent, having left West Point. The same sections were under examination until half past 4, when the first and second sections of the third class, 31 present, were examined in French, by Mr. Berard, until 6 o'clock; after which the Board heard the report, in part, of the Committee on Instruction, and adjourned the further consideration of it till to-morrow evening.

JUNE 20TH.

Forenoon. Met at 8. Dr. Blythe and the Hon. Mr. Pearce were absent, having left West Point. The examination of the first and second sections of the third class was continued until half past nine, when the third and fourth sections, 20 present, were examined by Mr. Bérard, in French, till 12; after which the first section of class four was examined in mathematics, until 1 o'clock, 24 present.

Afternoon. The examination of the same section was continued by Lieut. Ross and Professor Davies, until 7 o'clock.

Evening. The Board met for business; the report, by Mr. Ticknor, of the Committee on Instruction, being still under consideration. Col. White returned, and took his seat at the Board.

On motion of Col. White, it was

1. *Voted,* That the Report made by this Board to the Department of War be a Joint Report.

2. That this Report be prepared by a Committee of five, to be nominated by the President.

3. That the Report of the Committee on Instruction be accepted, and referred to the same Committee of five, when appointed.

On motion of Mr. Kane, it was

Voted, That the same Committee consider the expediency of recommending to the Secretary of War the advantage of giving the Board of Visiters hereafter more definite instructions. Adjourned.

JUNE 21ST.

Forenoon. Met at 8. The President announced the Committee on forming the Joint Report to consist of Mr. Ticknor, Col. White, Mr. Kane, Professor Dana, and Colonel Totten. The examination of the first section of the fourth class was continued by Lieut. Ross until 11 o'clock; after which the second section, 22 present, was examined by Cadet Bartlett, in Mathematics, until 1 o'clock.

Afternoon. The examination of the same section, by Cadet Bartlett, was continued from 3 till 7 o'clock.

Evening. The Board met for business. Col. Totten, from the Committee on Military Instruction, reported, in part, and his report was accepted; after which the Board adjourned.

JUNE 22D.

Forenoon. The Board met at 8 o'clock. Mr. Markley and Mr. Kennedy returned, and took their seats at the Board. The third section of the fourth class, 19 present, was examined in Mathematics, by Cadet Bryant and Lieut. Ross, until 1 o'clock.

Noon. The Board met for business. Col. White, from the Committee on the Civil Economy of this Institution, made a report, which was accepted. Col. Totten, from the Committee on Military Instruction and Discipline, completed his report, which was accepted. Mr. Lane, from the same committee, made a report on the Police of the Institution, which was accepted.

A communication was received from the Academic Staff, desiring that a Laboratory be recommenced; which was accordingly voted.

The above reports and communications were then referred to the Committee of five for forming the Report of the Board; and then the Board adjourned.

Afternoon. The Board met at 3 o'clock. Commodore Chauncey was absent, having left the Point. The fourth section of the fourth class, 20 present, was examined in Mathematics by Cadet Twiss and Lieut. Ross, until 7 o'clock, when the Board adjourned.

JUNE 23D.

Forenoon. The Board met at 8. The examination of the same section was continued till half past 9; after which the first and second sections of the fourth class, 38 present, were examined in French, by Mr. Bérard, until 1 o'clock, when the Board adjourned.

Afternoon. The Board met at 3. The third and fourth sections of the fourth class, 31 present, were examined by Mr. Ducommun, in French, until 7 o'clock, when the Board adjourned.

JUNE 24TH.

Forenoon. The Board met at 8. The fifth section of the fourth class, 18 present, was examined in French by Cadet Ridgely, until 11 o'clock, when the examination was closed in all the classes and branches, having continued exactly three weeks.

At 11 o'clock the Board met for business. Mr. Ticknor, from the Committee to form a Report to the War Department on the whole Examination, read a Report; which was unanimously accepted, and signed by all the members still at West Point, and, at the written request of Mr. Pearce, of R. I., and with consent of the Board, by Professor Dana for Mr. Pearce.

At 12, the Board attended an Address delivered to the Cadets, by J. K. Kane, Esq. at the request of the President.

At half past 12, the Board met by notification from the President; when, on motion of Mr. Ticknor, it was

Voted, unanimously, That the thanks of this Board be given to J. K. Kane, Esq. for the beautiful and appropriate Address by him just delivered to the Cadets, at the request of the President of the Board, and that a copy be asked for publication.

On motion of Professor Dana,

Voted, That Mr. Ticknor be requested to communicate to Mr. Kane the thanks and wishes of the Board.

After which, all the duties of the Board being completed, it was dissolved.

A true record,

SAMUEL HOUSTON,
President of the Board.

GEORGE TICKNOR,
Secretary.

West Point, June 24, 1826.

C.

Report of the Committee on the general condition of the Military Academy, offering suggestions, &c. for its improvement.

UNITED STATES' MILITARY ACADEMY,
West Point.

The Committee appointed by the Board of Visiters, June 12, 1826, to consider the state of general instruction in this Academy, its means and results, and suggest such changes as they may think desirable, beg leave to report:

That, in making the investigations required of them, it has been their purpose to ascertain what was the *object* proposed by the Government in establishing the Military Academy here; what *means*

have been provided to accomplish this object; how these means are *applied*; what *results* are obtained from them; and what *changes* are desirable. Under these several heads, therefore, they will now proceed to lay before the Board whatever information they have collected, and whatever opinions they have formed.

I. The OBJECT of the Government in establishing this Academy, was obviously to secure to the country the benefits of a *special school*, where instruction should be given in every arm used in actual service. The Academy here is therefore essentially a Military Academy; its organization is military; and its rules and arrangements are a part of the military institutes of the country. The instruction given under its provisions is in the art of war, in its widest and most liberal interpretation, embracing the whole of civil engineering, necessary to secure an easy communication by land and water, between the different parts of a country, and a safe arrangement and construction of its ports. Whatever tends directly to secure this instruction, in its best form, is, therefore, essential to such an institution; and whatever else is taught here, must be considered subordinate and subservient.

II. The MEANS of general instruction provided by the Government to obtain these objects, are,

1. The teachers. Provision is made by law for a Professor of Natural and Experimental Philosophy, with an Assistant; a Professor of Mathematics, with an Assistant; a Professor of Engineering, with an Assistant; a Chaplain, who is Professor of Ethics; a Teacher and Assistant Teacher of French; a Teacher of Drawing, and a Sword Master. But this provision has been found entirely insufficient for the purposes to be effected; and, in consequence, there are detailed from the regular Army, to act as teachers, one Major, as Instructor of Tactics; a Surgeon to be Professor of Chemistry and Mineralogy; 9 Lieutenants and 6 Cadets, as extra assistants in the different departments before mentioned, and one Lieutenant as Instructor of Artillery; in all, 28 instructors and teachers, all of whom are constantly employed in giving instruction, even during the period when the examinations are going on. 2. The remaining means provided by the Government for general instruction, are a library, a philosophical apparatus, and a chemical apparatus; each obviously incomplete and insufficient.

III. The APPLICATION OF THESE MEANS, under the rules of the Department of War, is left, of course, to the body of the Teachers, and chiefly to the Academic Board, consisting of a Superintendent, and the head of each department of instruction: and here, your committee would observe, that they have found the practical management of the Academy deserving of all praise.

The candidates for the warrant of a cadet, who arrive here, by permission from the Secretary of War, in the month of June, annually, to the number of about one hundred, are examined, and nearly all are accepted. During the first six months, however, they are merely on probation. Their studies at this time are in mathematics

and French. In the mathematics they are at first arranged alphabetically; and in French, according to their knowledge of that language, and other languages; after which they are broken into sections of about twenty each, and their instruction is forthwith begun. In the course of three weeks, the more prominent in each branch are taken out, to the number of about twenty, and formed into a first section, according to merit; and the same process is pursued, as the talents and dispositions of the candidates are developed, until, in seven or eight weeks, the entire class has been broken into five or six sections, according to merit; the arrangement of each section within itself. being, however, still alphabetical. In the course of this period of probation, the relative rank of the candidates is continually and materially changing, and they are transferred freely from section to section, as their talents and characters are determined. At the end of it, a very strict examination takes place, at which about one fourth of the class is found to have failed, and is consequently dismissed. The successful candidates are reported favorably to the Department of War, receive warrants as cadets, and are arranged by the result of their examination, strictly according to merit; the alphabetical arrangement in the sections being now finally given up. From this time, the strict order of merit is the only one known in the entire course; changes are constantly making in the relative rank of individuals; and, twice in every year, in January and in June, a general and thorough examination, of three weeks in length, at the rate of nine hours a day, is held, when the rank of every individual is settled anew, and a roll of merit prepared; which, after the annual examination in June, is consolidated into a roll of aggregate merit, and published. Those, however, who, at the annual examination, are found not to have satisfied the requisitions of the course, are dismissed, if their failure be from idleness or incapacity; but permitted to repeat the course of the preceding year, if their failure arise from unavoidable interruption in their studies, from want of years, from sickness, or from any similar cause; it being, however, understood, that this indulgence can be granted only once.

A similar course is pursued during each of the four years, the order of merit being the basis of all instruction given; and the general result is, that about one half of all who enter the institution, fail to obtain its final honors; that, of all who do receive them, about one seventh have remained in it five years; and that the first section of a class, even after the class has been thus relieved of the incapable and the idle, still learns about one quarter more in the same branches than the last section. On this state of the case the committee wish to make a few remarks:

In the first place, the *period of probation* seems to be a provision very important to the success of the Institution. For, it cannot be supposed, that all who come here are fitted, either by their capacities, their dispositions, or their characters, to meet the reasonable demands of a special school, where they are to be educated for a special public object; and the requisitions for a mere admission are so hum-

ble, and in branches of knowledge so common, that the first examination cannot possibly become a test of their final fitness for an education and purposes so peculiar. This second examination, therefore, your committee regard as the most important *single* provision in the arrangements and rules of the institution; and they have learned, with great regret, that a decision made under it by the Academic Board, has, in a recent instance, been set aside by the Department of War, and every one of the fifteen candidates pronounced unfit to proceed, continued at the Institution. This, as your committee are informed, is the first instance on record, of such an interposition on the part of the Government, and they earnestly hope it may never be repeated; as it can have no other effect than to expend the public means on those who cannot be educated by them; to lower the standard of merit; bring the decisions of the Academic Board into disrepute with the cadets and the public; and gradually reduce the whole tone of the Institution.

2. In the next place, your committee would speak of the *merit-roll.* Nothing, they conceive, can be more simple and efficient than the whole of its provisions, and nothing more fair; and, through the manner in which they are carried into effect, each cadet obtains rank in each branch of study he pursues, exactly according to his proficiency, and this proficiency is determined by the weekly class reports of his instructors, by the examination of the Academic Board in January, and by the public examination in June. Each cadet, therefore, has a constant excitement to exertion, and is constantly in danger of falling back, or losing what he had gained by the success of others. Moreover, this stimulus has a separate influence and operation in each branch of his studies. He is not discouraged by having his merits in all of them thrown into a general average. He is placed according to his progress in *each* branch, and therefore has an appropriate encouragement or censure for his rank in each. Nor is this a merely nominal provision. Of the forty-two members in the class about to be graduated, not one stands at precisely the same height in the three departments of their studies during the year; one differs no less than twenty-six places; fourteen differ ten places and upwards; and, in general, the difference is four or five places. In the other classes the difference is still greater, because the characters and talents of their members are less settled. Of course, in all, there is the most fair competition and the most honorable excitement, and the result obtained, after the long and patient examination in June and January, is satisfactory, in nearly every instance, to the cadets, and probably just in all.

3. In the last place, your committee would speak of the provision by which about one seventh of those who are graduated in each class are permitted to remain five years at the Academy. This, they conceive, is the only leniency in the administration of the existing rules that can be safely shown. Those who are unable to proceed in the course, are cut off at the end of the probation; those who abuse the advantages offered them, are sent away as offences are committed; and those who grow gradually more idle, instead of more active, fall at last to the bottom of their classes, and then resign, or are re-

moved. Still there may be a few, who, from their youth, from sickness, or from unavoidable interruptions in their course, are unable to make good, at once, the standing required of them. To these, one more year is wisely given, and, in most cases so improved, as to place them, in at least a respectable rank among their competitors.

Your committee have great pleasure in adding to this general statement, their full conviction that these provisions and rules, which constitute what is most peculiar and valuable in the system of instruction in this Academy, are carried into practical operation, and executed by its teachers with remarkable zeal, exactness, and efficiency; and that, to this system and its efficient execution, are to be attributed a thoroughness in the knowledge obtained by the Cadets, which the committee have not elsewhere witnessed, and an equality in the amount of their requisitions, which it would not be possible in any other way to obtain.

IV. On the next head, that of the results gained to the public by the amount of instruction given here to the Cadets educated by the country, the committee feel themselves bound, in justice to the teachers, and to the proficiency shown in the examination room, to speak at large.

In the course of instruction the original object of the Institution is kept distinctly in view, and as far fulfilled as the means afforded will permit. The principal and most important series of subjects pursued is, mathematics, natural and experimental philosophy, and engineering, both civil and military. In MATHEMATICS, there is taught, 1st algebra; 2. common and descriptive geometry; 3. plane and spherical analytical trigonometry; 4. shades, shadows, and linear perspective; 5. analytical geometry, embracing the construction of algebraical equations, the equations of points and lines in the planes of the two co-ordinate axes, the equation of the plane, the transformation of co-ordinates, polar co-ordinates, and polar equations, the equation of the surface of a cone, and of the intersection of this surface by planes, the discussion of the properties of conic sections and their polar equations, and the discussion of equations of the second degree; 6. differential and integral calculus, embracing the *differentiation* of algebraical and transcendental quantities, Taylor's and Maclaurin's theorems, the development of a function of two variables, the application of the calculus to the theory of curves, in drawing tangents and normuls, and in determining asymptotes, its application to the maxima and minima of variable functions, and its further application in determining osculatrices, radii of curvature, and the discussion of evolutes and transcendental curves; the *integration* of monomials and benomials, rational and irrational fractions and benomials by series, the application of differential and integral calculus to the rectification of curves, quadratures and cubatures; namely, to the rectification of the conic sections, the cycloid and spiral lines, and the determining of their areas, to the determining the surfaces and solidities of the conoids, and the surface and solidity of the solid generated by the revolution of the cycloid about its base;

7. the orthographic and stereographic projections of the sphere; 8. surveying, including the use of the theodolite, compass, and plane table, and the measurement of heights and distances.

The number of teachers in this branch is now nine, and the amount of time given to it is six hours daily during the two first years. It forms the solid basis on which the reputation and usefulness of the Academy rests, and on which, after the very thorough examination that has just been held, your committee have no doubt, it may rest safely. The diagrams that were exhibited by each Cadet, were drawn with great accuracy and skill, and the demonstrations by each at the black board were. with very few exceptions, quickly, easily, and accurately performed. The committee remarked. however, with regret, that the third section of the third class was obviously less perfect than the others; and on inquiry, found the cause to be, that, during the past year, this section has been under the care of three different teachers, two of whom had been suddenly removed by the Department for other duties; and thus changes thrice suddenly made in the modes of instruction. But, in all other respects, they feel confident, very little remains to be desired in this branch of instruction.

The next branch of teaching is in *Natural Philosophy*. 1st. Problems on the motion of bodies from Newton's Principia, and mechanics; 2. dynamics; 3. hydrostatics; 4. hydrodynamics; 5. pneumatics; 6. magnetism and electricity; 7. optics; and 8. astronomy.

This branch of instruction naturally follows mathematics. It begins, where they are left, at the opening of the third year, and is continued through the whole of that year, at the rate of five hours in every day, under the direction of three teachers. The committee fear that this is not enough; and that time must be taken, not indeed from mathematics and engineering, between which it stands, but from some of the subsidiary branches, to increase it.

The examination, however, especially in the second and third sections, and the manuscripts exhibited by all the sections, left no doubt in the minds of the committee, that the Cadets had here, too, rightly improved all the means afforded them, and fulfilled all the requisitions that can reasonably be made upon them.

The last principal branch of teaching is *Engineering*; comprehending architecture, civil engineering, and military engineering. Under the head of architecture, is included the choice and preparation of materials, the elementary parts of buildings, the composition and distribution of buildings, and the art of construction. Under the head of civil engineering are comprehended roads, bridges, tunnelling, inland navigation, rail-roads, and artificial harbors and seaports; under the head of military engineering, are included field engineering, the science of war, and permanent fortifications.

To this branch five hours a day are given during the last year, and three teachers are assigned to it, who instruct in colloquial lectures on French text books. The course during the last year was not so complete as the gentlemen connected with it earnestly desire it should be made; but all the time that could be given them. was

earnestly and diligently filled up. In the examination, a large number of drawings was exhibited by each Cadet, which left nothing to be desired; and in the demonstrations and explanations given by them at the black board, their draughts were made with singular skill and accuracy. The committee feel sure of the support of the Board, when they say, that the examination of the Cadets in this branch was entirely satisfactory.

These three branches, then, mathematics, natural philosophy, and engineering, occupying in succession about two-thirds of each day during the four years given to study here, constitute the mean course on whose success the success of the Academy is finally to depend. To teach this course, however, with all the thoroughness which shall make it practically useful afterwards, a subsidiary course is constantly going on, whose purpose is to furnish the needful means for full success to the principal one.

The first branch in this subsidiary course, is French, to which three hours every day are given during the first year, and three hours every other day during the second year. It is considered strictly as a means, not as an end, and its purpose here is to enable the Cadets to use easily and freely books in that language, which are their text books in learning engineering and mathematics, and to place within their reach in their future life, a body of works on which their professional success must greatly depend, and which can be found in no other language. With this object, therefore, the instruction in French is not carried beyond reading it with facility, and this your committee think sufficient. It is not very probable, that an American engineer, or military officer, will be required to speak and write any foreign language; and to take from his other studies here, that large portion of time, which would be necessary for such success, would be to injure seriously the main course of his studies, without an adequate object.

The next branch in the subsidiary course, is drawing, which is taught in order to render both engineers and officers in the Army, what unquestionably they all ought to be, practical draughtsmen. To this are given two hours every other day the second year, and two hours daily in the third year; and the number of teachers employed is two. Drawings have been exhibited from each member of these two classes, which have much surprised the committee; not merely from their excellence, but from the number, and from the equality in skill produced by an excellent mode of instruction.

The third subsidiary branch is chemical philosophy, chemistry applied to the arts, mineralogy and geology, taught in order to give the Cadets a knowledge of the materials they must hereafter use, whether in civil or military engineering. Two hours daily are given to this branch in the third and last years; every other day a lecture being given, and every other day a recitation. Two teachers only are found in this department, one having been ordered away on other service during the year, and the instruction thus obviously injured. But, excepting the injury resulting from this circumstance, which

was apparent in the examination of one or two sections, the committee think there is great reason to congratulate the country on the success of this department, as far as means have yet been afforded to it.

These three subsidiary branches, however, naturally close up the account of what is essential to obtain the special object proposed by the Government in establishing the Military Academy. But, besides what can thus be acquired, it has been thought desirable, that the officers who are here to be formed, should have some of the knowledge needful in the character of an accomplished citizen. A department has therefore, gradually grown up, into which several branches have been successively crowded, little connected with each other, or with the rest of the studies pursued here, and which can find no suitable place in the academic course, but at the expense of something more immediate to the wants and objects of the Institution. In this way, there have been introduced, from time to time, English grammar, geography, history, rhetoric, natural and political law, constitutional law, and political economy. Some of these have been taught every year: but, in no one year have all of them been taught; because it was impossible to find place and room for them all. During the last year, English grammar, rhetoric, the constitutional law of the United States, and political economy, have been taught, each very imperfectly and superficially, from want of time and means; only two hours daily in the fourth year, and two teachers, being assigned to this entire class of subjects. Your committee are, therefore, clearly of opinion, that this department of studies be broken up; not because the studies themselves are unimportant, but because they are such as should be acquired, either before the Cadets come to this Academy, or after they leave it; and because the very superficial knowledge in them that can here be acquired, is of little value in itself; is a contradiction to the exact thoroughness that prevails in every other department, and is obtained only by an injurious intrusion upon branches essential to the main success of the Institution, and the public objects for which it was founded.

In conclusion, your committee would remark, that the entire examination, (as far as it is yet completed,) both in the principal and in the subsidiary studies, has been conducted with the greatest patience, thoroughness, and impartial kindness, on the part of the examiners, and that the Cadets themselves, conscious of their own possession of the subjects they have learned, and aware that their rank on the merit-roll will be settled by their appearance at this time, have constantly exhibited the singular spectacle of a large body of young men, desirous to be long and strictly examined in the whole extent of their acquirements. It is a spectacle which, indeed, has been most gratifying, as your committee believe, to every one who has witnessed.

V. But though large means have already been provided by the Government, and have been efficiently, faithfully, and wisely used, by the teachers to whom they have been entrusted, yet, it is not to be

denied or concealed, that other means are wanting, to give this Institution the character it ought to possess, and which the increasing wants of the country loudly claim from it.

And in the first place it is obvious, that a suitable *chapel*, with fire-proof rooms for the library and the different collections of instruments used here, should be forthwith built. Such a building was recommended by the Board of Visiters, both in 1824 and 1825, and the want of it must be plain to all who have been here.

As to the chapel, it is only necessary to say, that the room now used for it, was never intended for such a purpose, and is entirely unfit for it; that it is wanted for other objects; that it never accommodates, at once, more than half the persons who ought to be provided with seats; and that, at some seasons of the year, it will not contain even all the Cadets. As to the library, and the philosophical apparatus, it is only necessary to say, that where they are now kept, they cannot be properly arranged, cannot be fully preserved from injury, and are never safe. Your committee, therefore, are persuaded, that this obvious want need only to be fully stated and known, to ensure a provision that shall satisfy it.

In the next place, your committee believe, that a building is wanted for *gymnastical exercises*, which will serve, at the same time, for a riding-school, a fencing-school, and military drill. A thorough and careful physical education is of importance to a military officer, more than to any other person. But it is not yet offered at this Academy. The drill during the summer months is sufficient to give the Cadets healthful exercise, and no more; but during the winter this resource fails, and their spirits and activity fail with it. It is proposed, therefore, that a plain building, merely sufficient to afford shelter, be erected, and that a systematic exercise of the whole person be there diligently practised, during the winter, under a gymnastical teacher, who shall be provided to superintend it.

In the third place, your committee recommend a considerable increase of the *library*. It is already respectable in works on fortification, artillery, military history, topography, tactics, mathematics, and natural philosophy. But the library is the principle of life to every institution for instruction, whose tone can never rise higher than the means for teaching its instructors will carry it, and whose success will fail, if those new works, which are continually increasing the boundaries of knowledge, are not regularly added, to keep the spirit of the Institution up to the spirit of the times.

The library here is deficient in architecture, civil engineering, natural history, and civil history; in short, in all the branches not first enumerated. Your committee recommend, therefore, that an appropriation of $2,000 for this year, and $1,000 for future years, be proposed to the Department, as the minimum that will furnish the means needed by such an Institution.

In the fourth place, the *chemical apparatus* is not sufficiently perfect to enable the teachers in chemistry to give the needful instruction in their branch; and, from the very nature of such an appara-

tus, it is liable to continual injury and decay. The committee propose, therefore, that it be repaired by some competent artist; that the sum of $800 be asked for its increase this year, and $150 per annum afterwards; that two catalogues be prepared of it, one to be given to the Professor, and one to the Superintendent; that it be kept in appropriate cabinets, with glazed doors, and that it be inspected annually by the Board of Visiters, and the Professor held responsible for injuries arising from carelessness. Your committee know no other way in which a good chemical apparatus can be constantly ensured at such an Institution.

In the fifth place, a *mineralogical cabinet* is greatly wanted. None can be said to exist here now; for the collection from which instruction is given, is almost entirely the private property of the teacher, and is not equal to his wants. A good collection, however, is indispensable. Your committee therefore recommend, that the sum of $1,000 be asked, to purchase one, and that lists of it be prepared, and the same accountability established, as in the case of the chemical apparatus.

In the sixth place, the *philosophical apparatus* is not in good condition, partly from its location, and partly from other causes. Your committee recommend, that it be thoroughly repaired, and that lists of it be furnished the professor of natural and experimental philosophy, and the superintendent; and the same accountability established in relation to it, as is proposed in the case of the chemical apparatus.

In the seventh place, for the *mathematical department*, the committee propose, that $400 be asked, to purchase instruments for surveying, and that lists be made of all property entrusted to this department, and the same system of accountability established, as in the case of the chemical apparatus.

In the 8th place, your committee find neither *casts* nor *engravings*, for the use of the drawing school, and hardly know how to account for a deficiency so obvious, and so easily supplied. They presume, there is no drawing-school in the world, where some provision of casts and engravings is not made, and few where living models are not used. They propose, therefore, as a minimum, to ask for an appropriation of $500, to purchase casts from the antique, and engravings; which, when received, shall be delivered to the teacher of drawing, to be kept by him in the same way, and under the same responsibility, in which it is proposed to keep the chemical apparatus.

In the ninth place, your committee find no solid models, from which to teach civil and military engineering; and they therefore, earnestly recommend, that a complete modeller be employed, with as little delay as possible, to furnish them. In Europe, no school pretends to teach these sciences, without a cabinet of models in relief, comprehending the problems in stone-cutting and carpentry, the orders and combinations in architecture. the constructions employed in canals, railways, &c. as well as the details of fortification, and of

attack and defence, all of which may be much more easily illustrated, and much more quickly and practically taught from such models, than they can possibly be in any other way. Your committee, therefore, recommend, that the sum of $1,200 be asked, partly to furnish tools and materials, and partly to purchase European models, which may serve as a guide, with which to begin a suitable collection in the right way.

In the tenth place, your committee regret to find, that no permanent provision is yet made by law for the *department of chemistry and mineralogy*. It is plain, that this department is essential to the prosperity of the Institution; and they recommend, therefore, that a permanent provision be asked for it, without delay, more especially, as they have understood, that the present valuable incumbent cannot be retained at the head of the department, on the precarious footing where it now stands.

In the eleventh place, the committee find that one Cadet is employed in teaching *French*. This duty, they think, can be suitably performed, only by a native of France; and they therefore join with the Board of Visitors of 1825, in recommending that an additional French teacher be appointed.

In the twelfth place, the committee also join with the Board of 1825, in recommending that *Cadets be no longer employed as teachers* in any branch. They were originally employed from the necessity of the case, because a sufficient number of graduates could not be found to fulfil suitably the duties of all the teachers wanted. But this reason no longer exists. There are now many who have received promotion as graduates from this Institution, who might be well employed as its teachers, and can in no way, perhaps, be more useful to their country. Long experience shows, that Cadets can never have the respect and confidence which naturally belongs to older officers, nor the amount of instruction necessary to an adequate discharge of their duties. The same experience, too, shows that the Cadets who are employed to teach, and who are, of course, the most prominent in their classes, suffer themselves, from want of opportunities to learn, because they are so much occupied in giving instruction. The committee therefore, recommend, that, hereafter, Lieutenants be employed instead of Cadets.

In the thirteenth place. To supply the place of the Cadets now employed in teaching, and to complete the needful means of instruction, your committee propose, that two lieutenants be added to the department of engineering, one to the department of natural and experimental philosophy, seven to the department of mathematics, one to the department of drawing, and three to the departments of chemistry and mineralogy. And they would further propose, that the Secretary of War be respectfully requested to detail each lieutenant who is to instruct in this Academy, for at least one complete academic year, and not to remove him for other service during that year; because, it is impossible that an instructor should feel all the interest he ought to feel, in the progress of a section, which is not to be exa-

mined on his responsibility, and as it comes from his hands; and no less impossible, that the section itself should be as well taught by two or three different teachers, as it would be by one consistent and uniform mode of instruction.

In the fourteenth place, the committee recommend, that one assistant librarian be employed, at the rate of $25 per month: because adequate provision is not now made for the care and preservation of the books.

In the fifteenth place, the committee further recommend, that, from and after the year 1828, *no Cadet be admitted to enter* the Academy, who is less than fifteen, or more than eighteen years old; since, those who are younger, very rarely have sufficient maturity of mind, to pursue the studies required of them; while the minds of those who are older, have generally taken a direction different from the one given here, which can seldom be effectually altered.

In the sixteenth place, your committee find the requisitions for *entrance* very low, and, considering the vast number of applications now made for warrants, have no doubt they can be gradually raised, with benefit to the country. They propose, therefore, that, from and after the year 1828, no Cadet be admitted to enter, who does not understand English Grammar and Geography.

In the seventeenth place, the graduates from this Academy who receive commissions in the Engineer Corps, have not, for want of time, received the full instruction in Civil and Military Engineering which it is important they should receive. Your committee, therefore, propose, that all who receive commissions in this corps be required, as a matter of course, to remain one year after their promotion, at the Academy, and that during that time they be employed in its instruction.

In the eighteenth place, your committee join earnestly the strong recommendation of the Board of Visiters of 1825, that the *Superintendent* of this Academy be made directly responsible to the Secretary of War, and hold all intercourse with the Secretary of War directly; and that, if necessary, he be made a part of the General Staff of the Army. The committee think such a provision exceedingly important to the welfare, success, and good order of the Academy, and distinctly called for by the system of responsibility and accountableness established in the other departments of the Army and the Government.

In conclusion, your committee would express their full conviction, that the country has great reason for congratulation in the condition and management of its Military Academy. It has now been established twenty-four years. During the first fifteen years of its existence, no regular system was pursued by its Instructors, and no consistent support was afforded it by the Government. It was, therefore, always in a fluctuating condition, and rarely enjoyed so much of the confidence of the nation, that more warrants were asked for than could be readily granted. But, during the last nine years, all this has been changed. In 1817, a new system of instruction and disci-

pline was introduced, and has, by the Teachers and Academic Staff, been uniformly and consistently sustained; the favor of the nation has followed their efforts, and now, every year, the privileges of the Institution are sought for at the War Department by above a thousand who cannot obtain them.

It is enough to say, in praise of the present Superintendent and his coadjutors, that this change in the Academy is their work; and your committee believe that nothing further need be asked for the entire success of the Institution, than that the Government should afford them a full and consistent support in their measures, whether of instruction or discipline.

GEORGE TICKNOR,
J. K. KANE,
JAMES DEAN,
JAMES FREEMAN DANA.

West Point, June 20, 1826.

A true copy,

GEORGE TICKNOR, *Sec'y of the Board.*

D.

Report of the Committee on Military Instruction, Police, &c.

MR. PRESIDENT: Your committee, to whom was referred the subjects of practical military instruction, discipline, and police, of the Academy, with directions to report on the conditions of each, and such changes as should appear desirable, have had the same under consideration, and beg leave to report, in part:

The attention of your committee has been particularly directed to the discipline and police of the Academy, in the examination of which they have been highly gratified to find that the Superintendent and the Academic Staff are happily exempted from the exercise of discretionary power; a power, though vested in the hands of men possessing the highest attainments, the most undoubted integrity, directed by the purest motives, is often exercised to the destruction of the object intended to be promoted. The discipline of the Academy depends upon a few plain written rules, simple as they are just—rules which place the Superintendent and Academic Staff in the delicate and responsible situation of a parent; with power to ask no more of the Cadet than a father ought to require, or an obedient son to perform. That, upon a prompt and rigid exercise and enforcement of these rules, depend the success of the Institution. Your committee would further suggest, that they have in vain searched for a single instance of a want of

promptness on the part of the Superintendent and Academic Staff to enforce those rules, or for the slightest absence of their application. Hence, they would recommend that it is highly important to the Institution that the decision of the Superintendent and Academic Staff, as it regards the qualification of the Cadet, or his unfitness to remain in the Institution, be acquiesced in at Washington.

Your committee would further state, that the report of the Academic Staff, on the subject of discipline, marked B, and made a part of this report, meets with their entire approbation, except in the instance that their decision shall in no case be reversed at Washington.

Your committee have examined the barracks, and rooms of the Cadets, and find that every attention is paid to cleanliness and the health of the Cadets that could be desired.

Your committee have paid that attention to the mess-hall, and the bill of fare, that the importance of the subject demanded. The result has been of the most satisfactory kind, and highly honorable to the Department. The bill of fare is laid before your committee, marked C, is made a part of this report, and has in all things been, and is, complied with.

The cost of Cadet's equipments is to be found in the document marked A, and made a part of this report.

Your committee would recommend to the consideration of the General Committee, the communication marked —, submitted by the Superintendent, in relation to the Medical Department, and the necessity of a Hospital, and for a full exposition of this subject, refer them to the communication of Dr. Everett, which is an able and lucid view of the subject, in the opinion of your committee.

In fact your committee take a pleasure in stating that, so far as it regards the local authority at this place, each and every department is in the best possible situation, and that all praise is due from your committee, the Board, and the country, to Colonel Thayer, so eminently qualified to preside over the Institution, Major Worth, and to each and every member of the Academic Staff, for that prompt, and diligent, and able performance of their respective duties, so conspicuous in each department. And that nothing is wanting on their part to ensure entire success in the prosperity and usefulness of the Institution.

A. LANE,
Chairman of Committee.

West Point, June 22, 1826.

A true copy.

GEO. TICKNOR, *Secretary of the Board.*

E.

Report of Committee on Tactics, and other instruction purely Military.

The Committee on the Course of Tactics, and other instructions purely and exclusively Military, respectfully report:

These courses of instruction are committed at present, so far as the Infantry is concerned, to Major Worth, who is styled the Instructor in Tactics, Captain Hitchcock, and Lieutenants Grier and Bliss; Lieutenant Kinsley having the particular independent direction in Artillery drill and practice, and in the labors of the Military Laboratory.

The application of instruction in these courses is as follows:

1st. *Infantry drill and general tactics.* On joining this Institution the Cadet is immediately placed under a course of elementary drill, instructed by a Cadet of approved soldiership, habits, and knowledge of the subject; the whole under the direction of a commissioned officer who is one of the Assistants in the Department. In this manner the recruit is passed through all the gradation of the school of the soldier to that of the company. A suitable number of recruits are then formed into a company and carefully instructed by one of the Assistants; thence the whole are transferred to the battalion, when, by distributing them among the old Cadets, they soon acquire the habits of their new position. In the battalion they are taught, practically in the field, the mechanism of the movements both of the line and light infantry, and their application to the evolutions of the line. By an arrangement of the Corps of Cadets into four small battalions, the instructor is enabled to exemplify the movements of any number of battalions operating in a single body. Cadets of the first class are required to perform the duties pertaining to every station; the platoon, company, field, and staff, up to the command and explanation of the movements of a battalion, including the service of guards and police: those of the second class are required to perform the duties of Sergeants, and those of the third class the duties of Corporals. In the lecture room instruction is confined to the *first class;* which is required to recite, and thoroughly explain, the manœuvres as adopted in the service of the United States, from the company to columns and masses of the greatest extent: they are lectured, and required to recite, upon the application of these manœuvres to the various circumstances and movements of an enemy *manœuvring* and in position; assuming a variety of cases, and combining, under each, the relation of the different arms of service to the passing defiles in advance and retreat, the dispositions against cavalry advance and rear guards, and the general service of this force: manœuvring upon an order of battle, and the general service of light troops.

In the months of April, May, June, September, and October, the whole Corps of Cadets is drilled daily in infantry manœuvres for one hour, and during the period of encampment which commences at the close of the annual examination in June, is continued to the end of

August; the Cadets removed from barracks into tents, and performing all the duties of soldiers and officers in encampment, are instructed in the same drill for about two hours each day. The new Cadets, however, are kept at drill during encampment, about four hours daily, until they are sufficiently perfect in the school of the soldier, squad, and company. No fixed time is devoted to the study and recitation of tactics, excepting about thirty recitations given to a review of the studies, preparatory to the final examination of the first class. The studies during the period of encampment are left to the discretion of the Instructor of Tactics.

2d. *Artillery drill and practice, and laboratory duty.* This instruction is limited to the first, second, and third classes. The second and third have been taught the exercise and movement of the field piece: the first class, this also, and in addition, all the movements of a division of field artillery; each Cadet filling the different offices from Commandant of Piece to Commandant of Battery, and in this last station performing several manœuvres. The target firing, the first class has been instructed in the manner of loading, aiming, and firing 6 pound and 12 pound field pieces, light 5½ inch howitzers, light 5½ inch mortars, and heavy 10 inch mortars. In military pyrotechny, the first class has been practised in preparing all kinds of ammunition for various kinds of ordnance, and in making rockets, fuzes, port fires, fire balls, incendiary balls, &c. &c.

The Cadets to whom this instruction is dispensed, devote one hour every morning, in the months of April, May, July, and August, to artillery drill, two hours every second day for four months, in term time, to laboratory duty and target practice, and four hours every day during encampment.

The result of the courses of instruction just mentioned your committee have witnessed with high gratification. In the field, the upright and graceful carriage, steadiness in position, exactness in handling his arms, of the individual; the precision in the marching and manœuvres of the mass. In the lecture room, the thorough knowledge displayed of the rationale, the application, and the details of the manœuvres of large and mixed, as well as small and simple, military bodies; the address and dexterity applied in producing the varied preparations of the military laboratory; the skill and effect with which the uses and properties of these were illustrated in practice with several kinds of ordnance; all these must have impressed upon the whole Board, as well as upon your committee, the conviction that, under existing circumstances, this portion of the Academic course is hardly susceptible of improvement; and that none should be attempted but by the introduction, from time to time, of such slight modifications of details, or such slight additions, as a vigilant supervision and long experience may find expedient or applicable.

Your committee will however suggest, as a measure equally recommended by sound policy and justice, that the officers of the army detailed to conduct the courses of instruction, of which we have been speaking, being at the same time charged with the invidious and se-

vere duty of enforcing the discipline and police of the Institution, should receive each the addition of $10 per month to his pay: that there should always be at least four officers assisting the Instructor of Tactics, instead of three, as at present, and that it be urged upon the War Department as highly essential, especially in reference to salutary discipline, that as much permanency as possible be given to these appointments.

Your committee consider it relative to this subject to present the necessity of introducing the exercises of the riding school. Deeming it altogether unnecessary to show the importance, to military men, of skilful horsemanship, we will offer on the subject but one or two brief remarks. The youth of this Institution, leaving their homes at that precise period of life when this sort of instruction should begin, are, in the present state of things, thereby withdrawn from the means of acquiring this knowledge, to all others of much less value, but to all others of easy attainment. Neither the building required for the practice of the menage, nor the horses, will be chargeable exclusively against this branch of instruction; the one being indispensable for drill and gymnastic exercises in bad weather, and the other, as your committee are persuaded, being absolutely essential to the course of instruction in artillery manœuvres.

AMOS LANE,
Chairman of the Committee.

West Point, June 22, 1826.

A true copy.

GEO. TICKNOR, *Secretary of the Board.*

F.

Report of the Committee on the civil economy of the Military Academy.

The Committee appointed to examine and report upon the civil economy of the Military Academy at West Point, beg leave to submit the following:

That they have diligently examined the subjects confided to their attention, and recommend that the select committee, appointed to condense the reports of the special committees, be instructed to recommend to the Secretary of War all the suggestions for improvement contained in the reports of the two preceding Boards of Visiters, which have not been acted upon or abandoned.

The committee have received a communication from the Superintendent of the Academy, inviting their attention to subjects which they have duly considered, and, without repeating them in this report, they refer to them as a part thereof; and recommend that they be incorporated in the joint communication to the Secretary of War, with a proper representation of the importance of the improvements, and the necessity for immediate appropriations specified for these objects.

They concur with the former Board of Visiters in recommending an increase of the salary of the Superintendent.

The committee find that there is no material alteration in the civil economy of the Academy. since the last annual examination; and, so far as they have examined its management, from an inspection of the books and accounts, they are satisfied that it is conducted with great care, and is worthy of their entire approbation. They find that the system prescribed by the regulations, is not yet carried into perfect operation, for the reasons suggested in the last annual report of the Board of Visiters.

All which is respectfully submitted.

JOS. M. WHITE,
Chairman of the Committee.

West Point, June 22, 1826.

A true copy:

GEO. TICKNOR, *Secretary of the Board.*

G.

Report of the Board of Visiters on the United States' Military Academy at West Point, June, 1826.

UNITED STATES' MILITARY ACADEMY,
West Point, June 24, 1826.

TO THE HON. JAMES BARBOUR,
Secretary of War.

SIR: The undersigned, agreeably to your invitation, have attended the examination of Cadets in this Academy, now just concluded; and, during the three weeks of its continuance have made diligent inquiry concerning the discipline of the Institution itself; concerning the modes of instruction practised in it, and concerning its general management and condition; in doing which, every facility has been afforded them by the Superintendent and Academic Staff, and the whole establishment thrown open to their inspection, down to its minutest details.

In making the investigations required of them as a Board of Visiters, it has been the purpose of the undersigned to ascertain what was the *object* proposed by the Government in establishing the Military Academy here; what *means* have been provided to accomplish this object; how these means are *applied* by the officers to whom they are entrusted; what *results* are obtained from them; and what *changes* are desirable. Under the same heads, therefore, the undersigned will now proceed to lay before the Department of War, whatever information they have collected, and whatever opinions they have formed.

I. The OBJECT of the Government in establishing this Academy was obviously to secure to the country the benefits of a *special school*, where instruction should be given in every arm used in actual service. The Academy here is, therefore, essentially a Military Academy; its organization and discipline are Military: and its rules and arrangements form a part of the Military Institutes of the country. The instruction given under its provisions is in the Art of War, in its widest and most liberal interpretation, embracing the whole of Civil Engineering necessary to secure an easy communication by land and water between the different parts of a country, and a safe arrangement and construction of its ports. Whatever tends directly to secure this instruction in its best form, is, therefore, essential to such an institution; and whatever else is taught here must be considered subordinate and subservient.

II. The MEANS provided by the Government to obtain these objects are, so far as instruction is concerned, of two kinds. 1. Teachers. Provision is made, by law, for the support of a Professor of Natural and Experimental Philosophy, with an Assistant; a Professor of Engineering, with an Assistant; a Chaplain, who shall instruct in Ethics; a Professor of Mathematics, with an Assistant; a Teacher, and Assistant Teacher of French; a Teacher of Drawing, and a Sword Master. But this provision having been found entirely insufficient for the purposes to be effected, there have been, and are now, detailed from the regular army, to act as Teachers, one Major as Instructor of Tactics; one Surgeon to be Professor of Chemistry and Mineralogy; nine Lieutenants and six Cadets as extra Assistants in the different departments before mentioned; and one Lieutenant as Instructor of Artillery; in all, twenty-eight Instructors and Teachers: each of whom is constantly and laboriously employed in giving instruction, even during the period when the examinations are going on. 2. The remaining means provided by the Government for general instruction, are, a Library, a Philosophical Apparatus, a Chemical Apparatus, and Military Laboratory, each obviously incomplete and insufficient.

III. The *application* of these means, under the Rules and Regulations provided by the Department of War, is left to the Body of Instructors, and chiefly to the Academic Board, consisting of the Superintendent and the Heads of the Departments of Instruction, in whose practical management of the Institution, the undersigned have been able to find only occasion for uniform approbation.

The candidates for the rank and warrant of Cadets, who arrive here by permission from the Secretary of War, in the month of June, annually, to the number of about one hundred, are examined, and nearly all are accepted; the requisitions for admission being very low. During the six months after their entrance, they are merely on probation. Their studies, in this period, are Mathematics and French. In the Mathematics they are at first arranged alphabetically; and, in French, according to their knowledge of that language and other languages; after which they are broken into sections of about twenty each, and

their instruction is forthwith begun. In the course of three weeks, the more prominent in each branch, to the number of about twenty, are selected and formed into a first section, according to merit, and the same process is pursued, as the talents and characters of the candidates are developed, until, in seven or eight weeks, the entire class has been broken into five or six sections, according to merit; the arrangement of each section within itself continuing still alphabetical. During this period of probation, the relative rank of the candidates is continually and materially changing; and they are transferred freely from one section to another, as their dispositions and capacities are determined. At the end of it, in the month of January, a strict examination is held, at which about one-fourth of the class is generally found to have failed, and reported to the Department of War, as unfit to proceed. The successful candidates receive warrants as Cadets, and are arranged, by the result of this examination, strictly according to merit. From this time the order of merit is the only one known in the entire course. Changes, however, are constantly making in the relative rank of the individuals, and twice in every year, in January and in June, a general and thorough examination takes place, three weeks in length, and at the rate of nine hours a day, when the rank of every individual is settled anew, and a roll of merit prepared, which, after the annual examination in June, is consolidated into a roll of aggregate merit, and published. Those, however, who, at the annual examination, are found not to have satisfied the requisitions of the course, are dismissed, if their failure be from idleness or incapacity; but permitted to repeat the course of the preceding year, if their failure arise from unavoidable interruption in their studies, or from want of years; it being, however, understood that this indulgence can be granted only once.

A similar course is pursued during each of the four years, the order of merit being the basis of all the instruction given; and, at the end of that time, when the class is graduated, it is generally found that about one-half of those who enter the Institution fail to obtain its final honors; that, of those who do receive promotion, about one-seventh have remained at the Academy five years, instead of four; and that the first section of a class, even after the class has been relieved of all the incapable and idle, still learns one-fourth more than the last section.

On this system of the Academy and its application, the undersigned would offer a few remarks.

In the first place, *the period of probation* seems to be a provision very important to the success of the Institution. For it cannot be supposed that all who come here are fitted, either by their capacities or their characters, to meet the reasonable demands of a special school, where they are to be educated for a special public object; and the requisitions for a mere admission are so humble, and in branches of knowledge so very common, that the first examination cannot possibly become a test of their final fitness for an education so peculiar. This second examination, therefore, which occurs after an experience of six months, the undersigned regard as the most important *single* provision among the

rules of the Institution; and they feel assured that the War Department will unite with them in the conviction, founded on experience and the results of former practice, that to set aside the decisions of the Academic Board under this rule, except in very extraordinary cases, would have no other effect than to expend the public means on those who cannot be educated by them; to lower the standard of merit; to bring the decisions of the Academic Board into disrespect with the Cadets and the public; and gradually reduce the whole tone of the Institution.

In the next place, the undersigned would speak of the *Merit Roll*. Nothing, they conceive, can be more simple and efficient than the whole of its provisions, and nothing more fair and thorough than the mode in which they are carried into effect. Each Cadet obtains rank in each branch of study he pursues exactly according to his proficiency; and this proficiency is determined by the weekly class reports of his Instructors, by the examination of the Academic Board in January, and by the public examination in June. Each Cadet, therefore, has a constant excitement to exertion, and is constantly in danger of losing, by the success of others, what he has himself gained. Moreover, this strong stimulus has a separate influence and operation in each branch of his studies. He is not, therefore, discouraged in any one, by having his merit in it lost in a general average of his merit in all. He is marked in each branch according to his progress in it; and, therefore, has an appropriate encouragement or censure for his rank in each. Nor is this a merely nominal provision. Of the forty-two members in the class about to be graduated, not one, in January, stood at precisely the same height in their three departments of study; one differed no less than twenty-six places; fourteen differed ten places and upwards; and, in general, the difference was four or five places. In the other classes the difference was still greater, because the characters and talents of their members were necessarily less settled; of course, there is in all the most fair and honorable excitement and competition; and the results obtained, after the long and patient examination in June and January, are satisfactory in nearly every instance to the Cadets themselves, and probably just in all.

In the last place, the undersigned would speak of the provision by which about one-seventh of those who are graduated in each class, are permitted to *remain five years* at the Academy. This, they conceive, is the only leniency in the existing rules of instruction, by which they can be safely qualified. Those Cadets who are unable to proceed in the course, are cut off at the end of the probation; those who abuse the advantages offered them, are sent away as offences are committed; and those who grow gradually more idle instead of more active, fall, at last, to the bottom of their class, and then resign or are removed. Still there may well be a few who, from youth, from sickness, or from unavoidable interruptions in their course, are unable, at once, to make good the claims and standing required from them. To these one more year is both wisely and kindly given; and, in most cases, so improved as to place them in, at least, a respectable standing among their competitors.

The undersigned have much pleasure in adding to the preceding details, their general conviction, that these provisions and rules, which constitute what is most peculiar and valuable in the system of instruction here, are practically applied by the present Academic Staff, with remarkable talent, exactness, and efficacy; and that to this system, and its zealous execution, are to be attributed a thoroughness in the knowledge obtained by the Cadets, which the undersigned have not elsewhere witnessed, and an equality in the amount of their respective acquisitions, which could not probably, in any other way, be obtained.

The system of DISCIPLINE which is brought in aid of this system of instruction, seems to the undersigned no less skilfully adapted to its object, and no less efficient, than the instruction itself. It consists, in a great measure of preventions and warnings. For this purpose, a careful police is constantly maintained. During the hours when the Cadets are not required to be in their quarters, a guard is mounted in each story of the barracks, and, during the hours of study, each room is visited, at least four times every day, to ascertain the good order of its furniture, and the presence and diligence of its occupants. In this way, even very inconsiderable deviation from the established rules and order of the Academy are at once detected, and passed to the proper officer, by whom they are entered in a day book, kept for the purpose. Every Friday evening the contents of this book, for the preceding week, are read on parade, for the information of those who have been noted in it, and, the next day, those who have excuses to offer, send them, in writing, to the Superintendent, who accepts or rejects them. The delinquencies not excused, are recorded in a register; the results of which, with the names of the delinquents, are publicly posted here and sent to Washington, where they are publicly posted in the War Department. And, finally, from these monthly rolls, a general roll of merit, according to conduct, is annually consolidated, which will, hereafter, be published.

A system of preventions and warnings so well adjusted, makes much punishment, of a more positive character, unnecessary. When, however, punishments become indispensable, they are inflicted either by the Superintendent, whose power does not go beyond confinement to quarters, or by a regular court martial, whose decisions, when approved at Washington, may extend to dismission from the Institution. These punishments, in order to become as rare as possible, should be inflicted as promptly and certainly as possible; and the undersigned are assured the War Department will unite with them in the conviction, founded on experience and the results of former practice, that the decisions of the Superintendent be fully sustained by the Government at Washington, and that sentences of courts martial on Cadets, when approved by the President, be remitted by pardon only on the most urgent reasons.

IV. Under the next head—that of the *results* gained to the public by the amount of instruction here given to the Cadets educated by the country—the undersigned feel they have ample grounds for judgment, not only in the general examination which, during the last three

weeks, has been constantly passing before them, but also in the private recitations which they have frequently visited.

In the course of instruction, the original object of the Institution is kept constantly in view, and as far fulfilled as the means afforded will permit. The principal and most important series of subjects pursued, is, Mathematics, Natural and Experimental Philosophy, Engineering, both Civil and Military, and Tactics.

In MATHEMATICS, there is taught, Algebra; Common and Descriptive Geometry; Plane and Spherical Analytical Trigonometry; Shades, Shadows, and Linear Perspective; Analytical Geometry; the Differential and Integral Calculus; the Orthographic and Stereographic Projection of the Spheres and Surveying.

The number of Instructors in this branch is now nine; and the amount of time given to it, in and out of the recitation rooms, is six hours daily, during the two first years. The undersigned have great pleasure in adding, that much of the instruction in this branch is given by colloquial lectures, either with or without text-books; a mode which they believe to be better than any other fitted to produce a lively and deep impression on the mind of the pupil in pursuit of such subjects. The thoroughness of the knowledge obtained here was very apparent, both in the examination and in the recitation rooms. The diagrams exhibited by each Cadet were drawn with great accuracy and skill; and the demonstrations by each, at the black board, with very few exceptions, and those almost entirely at the bottom of the lowest class, were quickly, easily, and accurately performed. The undersigned feel confident, that very little remains to be desired in this department of instruction.

The next branch taught is NATURAL PHILOSOPHY, comprising Problems on the Motion of Bodies, from Newton's Principia, Mechanics, Dynamics, Hydrostatics, Hydrodynamics, Pneumatics, Magnetism and Electricity, Optics, and Astronomy.

This branch of instruction naturally follows Mathematics. It begins with the beginning of the third year, and extends through the whole of that year at the rate of five hours in every day, under the management of three teachers. The undersigned apprehend that this is not enough, and that time must be taken for this branch, not indeed from Mathematics and Engineering, between which it is appropriately placed, but from some of the subsidiary branches, to increase the amount of knowledge acquired in Natural and particularly Experimental Philosophy. From the examination, however, and from the demonstrations given, and the manuscripts exhibited by each member of the second class, the undersigned feel persuaded that the Cadets here, too, have rightly improved all the means and opportunities afforded them, and, therefore, fulfilled all the requisitions that can reasonably be made upon them.

The next principal branch of teaching is ENGINEERING, comprehending Architecture, Civil Engineering, and Military Engineering. Under the head of *Architecture*, is included the choice and preparation of materials, the elementary parts of buildings, the composition and

distribution of buildings, and the art of construction. Under the head of *Civil Engineering*, are comprehended roads, bridges, tunnelling, inland navigation, rail roads, and artificial harbors and sea-ports. Under the head of *Military Engineering*, are included field engineering, the science of war, and permanent fortifications.

To this branch, five hours a day are given during the last year, and three teachers are assigned to it, who instruct in colloquial lectures, or text-books, in the French language. The course, during the last year, was not so complete as the gentlemen connected with it earnestly desired to make it; but all the time that could be given them was diligently and zealously filled up. At the examination, a large number of drawings was exhibited by each Cadet, which left nothing to be desired; and in the demonstrations and explanations given by each, at the black board, the draughts were made with singular skill and accuracy. The undersigned feel sure that the future services of the Cadets this year to be graduated, will justify them in saying, that the examination in Engineering was perfectly satisfactory.

The last principal branch of Instruction is in INFANTRY DRILL AND GENERAL TACTICS and in ARTILLERY DRILL AND PYROTECHNY. In the *Infantry* Drill, the Cadets are taught, practically, all the duties of a soldier in every station; in the platoon, company, field, and staff, up to the command and explanation of the movements of a battalion, including the service of guards and police; so that all the duties, from those of a common soldier to those of a commander-in-chief, are successively explained and practised; besides which, the theory of all manœuvres, from those of a company to those of the largest masses, is taught in lectures and recitations. To this instruction, four teachers are assigned, and the time given to it is, in all four of the classes, one hour daily, and, to the first class, one additional hour every other day during two months, and two months uninterrupted duty in camp to all the Cadets in the Academy every year. The results of this course of instruction, the undersigned have witnessed with great pleasure, in the upright and graceful carriage of the Cadets in the field, the steadiness of their individual positions, their exactness in handling their arms, and their precision in the manœuvres and marching of the mass; while, in the examination room, their knowledge of the rationale of Tactics, as a science, was no less ready and exact. In the *Artillery* Drill, too, which takes place chiefly during the encampment of the Cadets in July and August, and which, with *Pyrotechny*, is taught by one and the same teacher, about two hours daily for six months to the first class, the undersigned have witnessed the same thoroughness and skill, whether in the exercise of the piece, in target firing, in throwing shells, or in the preparation of all kinds of ammunition, signal rockets, fusees, port-fire, fire-balls, and incendiary balls.

These four branches, then, Mathematics, Natural Philosophy, Engineering, and Military Tactics, occupying above three quarters of each day, as they occur during the four years given to study here, constitute the main course, on whose success the success of this Insti-

tution is always to depend, and to which, as the undersigned are persuaded, it may in the hands of its present teachers be safely left. To teach this course, however, with all the thoroughness which is necessary to make it practically useful in the services of the country afterwards, a *subsidiary course* is constantly going on, whose purpose it is to furnish the needful means for full success in the principal one.

The first branch in this subsidiary course is *French*; to which three hours every day are given during the first year, and three hours every other day during the second year, under three teachers. It is considered here strictly as a means, and not as an end; and its purpose is simply to enable the Cadets to use easily books in the French language, which are their text books for both Mathematics and Engineering, and to place within their reach, in future life, a body of works on which their professional success must greatly depend, and which can be found in no other language. With this object, therefore, the instruction of the Cadets in French is not carried beyond reading it with perfect facility, pronouncing it well, and translating from English; of all which, the two lower classes gave abundant proof. And this, the undersigned believe, is sufficient. It is not very probable that an American engineer, or military officer, will be required to speak any foreign language; and to take from his other studies here, that large portion of time which alone could enable him to make such an attaiment, would be to injure the main course of his studies, without an adequate object.

The next branch in the subsidiary course is DRAWING, which is taught in order to render both engineers and officers in the army, what unquestionably they all ought to be, accomplished practical draughtsmen. To this object are given two hours every other day in the second year, and two hours daily in the third year; and the number of teachers is two. Drawings have been exhibited from each member of these two classes, which have much surprised the undersigned, not merely from their excellence, but from their numbers, and from the equality in skill produced by an excellent mode of instruction.

The third subsidiary branch is CHEMICAL PHILOSOPHY, CHEMISTRY APPLIED TO THE ARTS, MINERALOGY, and GEOLOGY, taught in order to give the Cadets a knowledge of the materials they must employ, whether in civil or military engineering, and the places where they are to be found. Two hours daily are assigned to this branch in the third and last years, every other day a lecture being given, and every other day a recitation. Two teachers only are now found in this Department, the third having been called away for other service during the year, and the instruction thus somewhat injured. But, excepting the injury resulting from this circumstance, which was apparent in the examination of one or two sections, the undersigned think there is much reason to be gratified with the success of this Department so far as means have yet been afforded to it.

These three subsidiary branches, French, drawing, and chemistry and mineralogy, seem naturally to close up the account of what is essential to attain the special object proposed by the Government, in

establishing this Military Academy. But, besides all this, it has been at different times thought desirable that the officers, who are here to be formed, should acquire knowledge needful rather in the character of an accomplished citizen. A Department has therefore gradually grown up, into which several branches have been successively crowded, little connected with each other, or with the rest of the studies pursued here, and for which it seems difficult to find a suitable place in the Academic course, but at the expense of something more immediate to the wants and objects of the Institution. In this way there have been introduced, from time to time, English grammar, geography, history, rhetoric, national law, constitutional law, and political economy. Some of these have been taught every year, but in no one year have all of them been taught, because it was impossible to find place for them all. During the last year, *English grammar, rhetoric, the constitutional law of the United States*, and *political economy*, have been taught, each imperfectly and superficially, from want of time and means; only two hours daily in the fourth year, and two teachers being assigned to this entire class of subjects. The undersigned are, therefore, clearly of opinion that this Department of studies be broken up; not because the studies themselves are unimportant, but because they are such as should be acquired either before the Cadets come to this Academy, or after they leave it; and because the superficial knowledge of them that can be here acquired is a contradiction to the exact thoroughness that prevails in every other department of instruction, and is obtained only by an injurious intrusion upon branches essential to the main success of the Institution, and the public objects for which it was founded.

In concluding their remarks on this part of their inquiries, the undersigned would add that the entire examination has been conducted with the greatest patience, thoroughness, and impartial kindness on the part of the Academic Staff; that the Visiters themselves have frequently joined in it: that several of the Cadets, not satisfied with the result of their first investigation, have asked a further hearing, which has been uniformly granted them; and that throughout, in all the classes, the Cadets, conscious of their own familiarity with the subjects they have studied, and aware that their rank would certainly be determined by their appearance at this time, have constantly exhibited the singular spectacle of a large body of young men eagerly soliciting a longer and more strict examination into the whole extent of their acquirements; a spectacle which, indeed, has been most gratifying to all who have witnessed it.

V. But, though large means have already been provided by the Government, and have been efficiently, faithfully, and wisely applied by the Teachers, to whom they have been entrusted, yet it is not to be denied or concealed that OTHER MEANS, and occasional CHANGES, are wanting to give the Institution the character which it ought to possess, and the character which the increasing wants of the country plainly claim for it.

And, first, it is obvious that a suitable *Chapel*, with fire-proof rooms

for the library, and the different collections of instruments used here, is greatly wanted. Such a building was recommended by the Board of Visiters of 1824, and of 1825, and the want of it must be plain to all who have been here. As to the Chapel, it is only necessary to say, that the room now used for it was never intended for such a purpose, and is entirely unfit for it: that it is wanted for other objects: that it never accommodates more than one-half the persons who ought to be provided for; and that, in some seasons of the year, it will not contain even all the Cadets. As to the library, the philosophical apparatus, &c. it is only necessary to say, that where they are now kept they cannot be properly arranged; cannot be preserved from injury; and are never safe. The undersigned, therefore, are persuaded this striking want needs only to be properly made known in order to ensure a provision that will satisfy it.

2d. The undersigned have considered the state of the *Hospital.* It is the same building which, by the Board of Visiters of 1825, was properly considered as *no* Hospital; for it will afford accommodation to hardly half a dozen patients, and is so decayed and ruinous that it will not protect them from the weather. The sick are, therefore, very rarely sent thither, but kept in quarters often to their own injury, and always to the interruption of their comrades in the same room. In case of an epidemic this state of things would be extremely alarming, and the undersigned therefore recommend, earnestly, the erection of a suitable Hospital.

3d. The undersigned join with the Board of Visiters of 1824 and 1825, in recommending a permanent provision for the *Department of Chemistry and Mineralogy.* This Department is essential to the prosperity and success of the Academy, and yet the present valuable incumbent, who is at the head of it, is here on the precarious footing of an Army-Surgeon, living in a house which will not protect his family from the inclemency of the seasons, without a Laboratory in which his Department can be illustrated, and without a mineralogical collection. The undersigned, therefore, recommend that provision be made for a permanent Professorship of Chemistry and Mineralogy, and that quarters be built for the accommodation of the incumbent's family; that a Laboratory, with a lecture room attached to it, be erected; that $800 be asked for the Chemical Apparatus this year, and $150 annually, afterwards; and that $1,000 be asked to begin a Cabinet of Minerals. They further recommend that the property thus provided for in Chemical Apparatus and Minerals be given in charge to the Professor, who shall furnish catalogues of it to the Superintendent: that it be inspected annually by the Board of Visiters; and that the Professor be held responsible for any injury or loss arising from his carelessness. And the undersigned urge this recommendation the more anxiously, as they have reason to fear the Department will lose its present important head if it be not put on the footing the exigencies of the Academy demand.

4th. The undersigned recommend a considerable increase of the *Library,* and the appointment of an Assistant Librarian, because ade-

quate provision is not now made for the care and preservation of the books. The Library is already respectable in works on fortification, artillery, military history, topography, tactics, mathematics, and natural philosophy. But a library is the principle of life to every institution for instruction, whose tone can never rise higher than the means for teaching its instructers will carry it, and whose decay is certain if those new works which are continually enlarging the boundaries of knowledge are not regularly added to keep the spirit of the Institution up to the spirit of the times. The Library here is very deficient in all branches except those already enumerated, and is deemed to need additions, particularly in architecture, civil engineering, natural history, and civil history. The undersigned further recommend that an examination of the Library, according to certified catalogues, be made annually by the Board of Visiters, and the Librarian held responsible for all losses, deficiencies, or injuries, arising from neglect on his part. And the undersigned would suggest the sum of two thousand dollars for the present year, and one thousand dollars annually, afterwards, as the minimum that will furnish the means needed for such an establishment.

5th. The undersigned recommend that four hundred dollars be applied to the purchase of *instruments for surveying*, to be delivered, when purchased, to the Professor of Mathematics, and by him held, with all other public property in his Department, in the same way, and on the same terms suggested in the case of the chemical apparatus.

6th. The undersigned find neither *casts* nor *engravings* for the use of the Drawing School, and hardly know how to account for a deficiency so obvious, and so easily supplied. They presume there is no other Drawing School in the world where some provision of casts and engravings is not made, and few where living models are not used. They suggest, therefore, the great advantage of an appropriation of five hundred dollars to purchase casts from the Antique, and engravings, to be kept by the Principal Teacher of Drawing, in the same way, and on the same terms suggested in the case of the chemical apparatus.

7th. The undersigned find here no solid *models* from which to teach civil and military engineering; and they recommend, therefore, that a Modeller be employed, with as little delay as possible, to furnish them. In Europe, no School pretends to teach these sciences without models in relief, to illustrate the problems in stone-cutting and carpentry; the orders and combinations in architecture: the constructions employed in canals, roads, rail-ways, &c. as well as the details of fortifications, and of attack and defence; all of which may be much more easily explained, and much more quickly and practically taught from such models, than they can be in any other way. The undersigned, therefore, suggest that the sum of twelve hundred dollars be appropriated, partly to purchase tools and materials, and partly to provide European models, as guides with which properly to begin a suitable collection.

8th. The undersigned are persuaded that a *Riding School* and *Gym-*

nastic Exercises are much wanted here; and they recommend that a building be erected, fitted for these purposes, for a *fencing school* and for *military drills*. A Riding School, it is believed, is always attached to such an institution in other countries, for the obvious reason, that skilful horsemanship is indispensable in the education of a military officer. Here such a school is peculiarly needed; for the youth of this institution, leaving their homes at the precise period of life when such instruction naturally begins, are, in the present state of things, necessarily withdrawn from the opportunities for acquiring this knowledge and skill, which to all others is of much less value, but to all others of very easy attainment. Gymnastic exercises, too, or a thorough physical education, seem to the undersigned to be of great importance in an institution like this, destined to furnish officers and engineers, for the civil as well as military service, to whom a hardy constitution, and the easy and dextrous use of all their physical powers, is indispensable for professional success. The drill, during the Summer months, is sufficient to give the Cadets healthful exercise, and no more; but during the Winter this resource fails, and their spirits and activity fail with it. Horsemanship and Gymnastic Exercises are the appropriate remedies for this state of languor, while, at the same time, the introduction of the light artillery drill, which has heretofore been prevented from want of horses, would now be effected of course; and the Cadets receive an accomplishment indispensable in the service to which they are destined.

9th. The undersigned join with the Board of Visiters of 1825, in recommending *that Cadets be no longer employed as teachers*. They were originally thus employed from the necessity of the case, because a sufficient number of graduates could not be found to fulfil, suitably, the duties of all the teachers wanted. But this reason no longer exists. There are now many who have received promotion from this Academy, who might well be employed as its teachers: and can, in no way, perhaps, be more useful to their country. Long experience has shewn that Cadets cannot command the respect and confidence which naturally attach to older officers, and do not possess the amount of knowledge necessary to a full discharge of their duties. The same experience, too, shows that the Cadets who are employed to teach, and who are, of course, the most prominent in their respective classes, themselves suffer from want of opportunities to learn, because they are so much occupied in giving instruction. To supply, therefore, the places of the Cadets now employed in teaching, and to complete the needful means of instruction, the undersigned would suggest that another French teacher be appointed, who shall be a native of France, that two Lieutenants be added to the Department of Engineering; one to the Department of Natural Philosophy; seven to the Department of Mathematics; one to the Department of Drawing, and three to the Department of Chemistry and Mineralogy. And they would further suggest, that each lieutenant who is to instruct in this Academy, be, if practicable, detailed for at least one complete Academic year, and not removed for other service during that year; because it is extreme-

ly improbable that an instructor should feel all the interest he ought to feel in the progress of a section, which is to be examined neither on his responsibility, nor as it comes from his hands; and quite impossible that the section itself should be as well taught by a succession of different instructors, as it would be by one uniform mode of teaching.

10th. The undersigned recommend that, from and after the year 1828, *no Cadet be received* at this Academy who is *less than fifteen or more than eighteen* years old; since those who are younger than fifteen rarely have maturity of mind sufficient to pursue the studies required of them; while the minds of those who are above eighteen when they enter, have generally taken a direction different from the one required here, and which it is not easy to alter.

11th. The undersigned find the *requisitions for entrance very low*, and, considering the vast number of applications now made for warrants, have no doubt they can be gradually raised with benefit to the country: They, therefore, suggest that, from and after the year 1828, no Cadet be admitted to enter who does not understand English Grammar and Geography.

12th. The undersigned are persuaded, from observation and inquiry, that *more instruction* might be given *in Engineering*, and that the only serious obstacle to it is want of time. They propose, therefore, that the graduates from this Academy who may receive commissions in the Corps of Engineers, be required to remain here one year after their promotion, and that, during that period, they be employed in giving instruction, as well as in the prosecution of the studies appropriate to their department.

13th. The undersigned recommend the appointment of an additional *Clerk*, with a salary of three hundred dollars per annum, to be employed in the offices of the Adjutant and Superintendent; because in the office of the Adjutant an oppressive amount of writing is already done, and because the Superintendent, for want of a clerk, has never been able to preserve copies of his official communications to the Government.

14th. The undersigned suggest, as a measure equally recommended by sound policy and justice, that the officers charged with the ungracious duty of enforcing the discipline and police of the institution—a duty, too, not less severe and laborious than ungracious—should receive, each, the addition of ten dollars per month to his pay, and that, to ensure an uniform and salutary discipline, as much permanency as possible be given to these appointments.

15th. The undersigned recommend that provision be made for the erection of a gun-house; because the artillery here is constantly suffering from exposure to the weather at all seasons.

16th. The undersigned concur entirely in the strong recommendation of the Board of Visiters of 1824 and 1825, that the *rank and pay of the present Superintendent* be increased; and they repeat this recommendation, not on account of the claims of this distinguished officer from his long and extraordinary services in his present situation; because it is well known he rather declines than solicits such a recom-

mendation; but, on account of the public service, which they are persuaded cannot be suitably sustained by his present income, which is altogether below his station and the demands made upon him in consequence of his station, and no suitable compensation for the talents and labor he gives, in return, with such devotedness and success to the country.

17th. The undersigned join earnestly in the strong recommendation of the Board of Visiters of 1825, that the Superintendent of this Academy be made directly responsible to the Secretary of War, and hold all his official intercourse with the Department of War directly; and that, if necessary, he be made a part of the General Staff of the Army. They think such a provision exceedingly important to the welfare, success, and good order of the institution, and distinctly called for by the system of direct responsibility and accountableness established in the other departments of the public administration.

The undersigned have not spoken at large of the Barracks, the Mess-house, the Commissariat, the Adjutant's arrangements, or the Treasury; but none of these have been overlooked; and it is only because the same order and exactness has been found in them that has heretofore been reported of them, that they are not more particularly mentioned. Indeed, this order and exactness has been found throughout all the details and arrangements of the institution; and the undersigned have great pleasure in adding that, in every part of it, among the Academic Staff and among the Cadets, they have found the spirit of science prevailing over a merely military spirit, and over every thing that could interfere with the progress of knowledge, and the objects of the Government in establishing this Special School.

In conclusion, the undersigned would express their strong conviction that the country has great reason for congratulation in the condition and management of its Military Academy. It has now been established twenty-four years. During the first fifteen years of its existence no regular system was pursued by its instructors, and no consistent support was afforded it by the Government. It was, therefore, always in a fluctuating condition, and rarely enjoyed so much of the confidence of the nation that more warrants were asked for at the War Department than could be readily granted. But, during the last nine years, all this has been changed. In 1817 the system of instruction and discipline now in practice was introduced by the present accomplished Superintendent, and has, by the Teachers and Academic Staff, been uniformly and consistently sustained; the favor of the nation has followed and encouraged their efforts; and now, every year, the privileges of this institution are sought for at the War Department, by above a thousand, to whom it is not possible to grant them. It is praise enough of the present Superintendent, and those who have so faithfully labored with him, to say that this change is their work; and the undersigned are persuaded that nothing further need be asked for the final and entire success of the Institution, than that the Government should afford its Academic Staff a full and consistent support in their measures, whether of instruction or of discipline.

The undersigned have the honor to offer you the expression of their h consideration and respect.

SAMUEL HOUSTON, *President*,
JAMES BLYTHE,
AMOS LANE,
GAB. HOLMES,
DUTEE J. PEARCE,
JAMES DEAN,
THOS. KENNEDY,
PH. S. MARKLEY,
JAMES FREEMAN DANA,
CLEMENT C. BIDDLE,
J. K. KANE,
JER. MORROW,
JOS. M. WHITE,
JOS. G. TOTTEN,
Maj. Engs. Bt. Lt. Col.

GEORGE TICKNOR, *Secretary*.

DOCUMENTS

FROM

THE WAR DEPARTMENT,

ACCOMPANYING THE

PRESIDENT'S MESSAGE TO CONGRESS,

COMPRISING

A REPORT OF THE BOARD OF OFFICERS RELATIVE TO THE ORGANIZATION OF THE MILITIA; A REPORT FROM THE INDIAN OFFICE; PENSION OFFICE; AND BOUNTY LAND OFFICE.

PART III.

I.

Report of the Board of Officers relative to the Militia.

WASHINGTON, *November* 28, 1826.

To the Hon. JAMES BARBOUR,
Secretary of War:

The Board of Officers now convened at this place, have had under consideration your instructions of the 5th ult. requiring a report on the organization of the Militia—"stating the defects, (if any) of the existing organization, and recommending such remedies as in its judgment will render our militia as skilful and effective, as it is brave and patriotic."

To enable the Board to execute this important commission, with a reasonable hope of beneficial results, it has carefully read and considered the numerous communications from Governors of States, militia officers, and other distinguished citizens, in reply to your circular letter of July 11, 1826;—also, the several plans of organization and instruction for the militia, which have been submitted to Congress, at different periods, by Committees of that body, and by the War Department.

Premising that, after full consideration of the whole subject, the opinions of the members of the Board have been brought into great harmony with each other, the following Report is now most respectfully submitted:

1. "*Defects of the Existing Organization.*"

The term *organization* will not here be taken in its restricted, or technical sense, but as enlarged by the general tenor and purpose of the circular letter before mentioned.

The primary defect of the militia system, at this time, it is believed will be found in the excess in numbers, which the law proposes to hold to service; an objection that did not apply to the period of 1792, the date of the still existing law on this subject. In 1792, it might well have been supposed necessary to enroll, and organize into corps of militia, all the able bodied white male citizens of the United States, (certain classes and persons excepted) between the ages of 18 and 45 years; but in the thirty-four years which have since elapsed, our general population, and consequently the male citizens between those ages, have been trebled, whilst, it is believed, the dangers of foreign aggression are now much diminished. The other occasions under the Constitution, viz: resistance to the laws, and insurrections, to meet which, the militia were also intended, are supposed not more likely to occur in future, than might have been apprehended in 1792; and

yet, at that period, a third of the present militia force, (and about three-fourths of the male citizens then capable of bearing arms,) was supposed amply sufficient for all the purposes within the contemplation of the Constitution.

It would seem, therefore, from the foregoing views, that the United States now hold to a nominal service, a growing militia force, already considerably larger than any probable, it may almost be said, possible, emergency would require.

But its nominal character is not the only objection to this extensive scheme of enrolment and organization. It is true, that the militia costs the *Treasury*, in time of peace, nothing beyond the inadequate sum annually appropriated for the supply of arms and equipments: yet, the musters and trainings; the arms, ammunition, and equipments, which many of the militia actually purchase, and all are required to provide for themselves, if not supplied by the United States, or the respective States, operate as heavy burdens on the most productive class of the community, without the acquisition, except in the cities, and a few other highly peopled districts, of any adequate degree of military instruction or efficiency. By far the greater number of letters submitted to the Board, and the exceptions come principally from the cities, and the more populous parts of the country, represent the ordinary militia musters, &c. as useless, or worse than useless; as so many occasions for hurtful practices, instead of martial exercises, and the images of war.

The same difficulty (of excess in numbers) renders every scheme of improvement in the general mass, without the aid of a high war excitement, hopeless: for, it is obvious, that so great a body of enrolled men, or officers without the men, would not bear, in time of peace, and without remuneration, an encampment of many successive days for instruction; and, on the other hand, it is supposed that the Government would be unwilling to incur the necessary expenditure.—Neither is it deemed advisable, under the present organization, to recommend a selection of particular companies, battalions, regiments, brigades, or divisions, or a particular number of officers, out of the general mass, for better instructions, either at their own expense, or that of the Government. Such selections could not fail to be generally regarded as invidious and unjust. And yet, without an encampment of many successive days for the militia of the thinly peopled districts, it is supposed impossible to impart to the officers, and through them to the ranks, any adequate degree of military efficiency.

But one other objection, of the same character, to the existing organization, will be stated by the Board.

An amendment to the Constitution of the United States, consecrates the great principles—"that a well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed;" and in the same spirit, Congress has at different times provided, that every citizen so enrolled, [for service in the militia] shall, within six months thereafter, provide himself with a good musket or firelock," or, "with a good rifle" &c. (Act May 8, 1792,

Sec. 1.) 2. That certain deposites of arms should be made "at suitable places, for the purpose of being sold to the Governments of the respective States, or the militia thereof." (Act July 6, 1798, Sec. 1.) And, 3. "That the annual sum of 200,000 dollars be appropriated for the purpose of providing arms and military equipments for the whole body of the militia of the United States." (Act April 23, 1808, Sec. 1.)

Yet, notwithstanding the declaration of the Constitution, and the provisions of Congress, conceived in the same spirit, and, notwithstanding the meritorious provisions made by several of the State Governments, to effect the same great object, comparatively but a small portion of the militia of the Union is yet armed; and according to the present rate of appropriation by Congress, for that purpose, it would require, even supposing the population to be stationary, about seventy-five years more to accomplish a measure so congenial to the whole theory of our institutions. This consideration, also, seems to require a new scheme of enrolment and organization, by which the whole body of the militia, held to service, might be effectively armed and instructed.

In respect to instruction, another material defect may be noticed. Systems of a convenient size and form, for the instruction of cavalry, artillery, and infantry, each bearing the express sanction of the Government, are much wanted by the militia. Such systems are now in preparation by this Board, under the orders of the Department; but, should they be ultimately adopted, a great want of uniformity would still exist in the exercises of the same arm; the infantry, for example, if provision be not made by the Government, for the employment, at least in the first instance, of experienced instructors at the requisition of the States. This point, which is deemed of great importance by the Board, will again be noticed, under the head of Camps of Instruction.

Under the act of Congress, May 8, 1792, "for establishing a uniform militia throughout the United States," section 2d, it appears, by the correspondence before the Board, that exemptions from militia service, granted by many States, are so numerous as to operate very injuriously on the whole establishment. In some instances, the number of exemptions is reported to be equal to the number of enrolled men. Not again to recur to this supposed defect in the act of 1792, the Board will here observe, that it would greatly promote uniformity in the distribution of the benefits and burdens of a well regulated militia, among the respective States, if no exemptions were allowed beyond the cases which might be enumerated in some new provision made by Congress on this head: and, with a view to such enumeration, the Board would most respectfully suggest, that persons belonging to religious communities or societies, known to entertain conscientious objections to the bearing of arms, might be included, or, at least, exempted from service, in time of peace.

2. "*Remedies.*"

The recommendations of the Board, under this head, will be found in the subjoined *Plan for the enrolment and organization of the militia*

f the United States, and the subordinate plan for *camps of instruction*. These, for the most part, sufficiently give the views and opinions of he Board on the whole subject submitted by the Department. A few llustrations and miscellaneous remarks may, however, be proper in his place.

The full age of twenty-one years has been assumed by the Board, s the best period for the commencement of service in the ranks of the ilitia; because it was thought unnecessary, in time of peace, for the Government to interfere with the ordinary control of parents, guardans, and masters, over minors.

It will be perceived that the scheme of enrolment proposed, rendered any other limitation, as to age, than that just stated, unnecessary; being probable that the minimum quota would be obtained in any tate, without going higher than the ages of 30, or 29, and in some of he States not higher than 26 or 25, even with the present population. Between the minimum and maximum numbers of the scheme, the difrence is nearly fifty per centum on the former. This difference, it as thought advisable by the Board to leave to each State to add, by urther enrolments, in the ascending scale of age, or not, according o its wishes, or according to physical and moral circumstances, in s own condition; although, in the opinion of the Board, a well reglated, armed, and instructed militia, of 400,000 men, for the whole Union, would be sufficient for all the purposes stated in the Constitution.

The residue of the male citizens, capable of bearing arms, (and 7 in very 9, between the ages of 16 and 60, may be so considered) the Board would think it unnecessary to arrange even into nominal briades, regiments, &c. In any great national emergency, it would be asy for Congress to double or quadruple the number of brigades, &c. n the respective States, on the principles of the scheme, and thus to vail itself of the whole, or any intermediate part of the military popuation of the Union, according to the emergency. If the plan of intruction submitted herein be adopted, there would, after a few years, e no want of capable officers for the largest force mentioned.

The Board, in the plan of organization, proposes an Adjutant Genral, without rank, for the whole militia of the United States. The nportance of such an officer, attached to the War Department, it is elieved, could not be too highly estimated. Among his various dues might be the following: to correspond with the Adjutant Genals of the respective States, on the subject of the militia in general; furnish blank forms of the different returns required from the States, ith the necessary explanations; to make abstracts of all returns reeived, for the information of the President, and of Congress; to asertain, by correspondence, the boundaries of divisions, brigades, and egiments, in the respective States, with a view to the force that might e brought to the defence of exposed points in a given time, &c. &c.

The Act of Congress, May 8, 1792, has provided for an Adjutant Jeneral in each State; but has not prescribed the rank of this offier. Hence, in many of the States, the rank given is that of Briga-ier General; in others, that of Colonel, and in many States, no

rank whatever. A uniformity on this point appearing to the Board desirable, the plan of organization submitted proposes to give to the Adjutant General of each State, the rank of Brigadier General.

Under the existing organization, every regiment consists of two battalions; but no staff is provided for the battalions. The proposed plan would render each battalion as complete within itself as the united regiment. This was thought desirable by the Board, as, in the thinly peopled districts, battalions would, it is supposed, under the State laws, very generally parade, and perform their exercises separately; and might, also, in many cases, be called into temporary service in the same manner; and, to accommodate the organization to the general state of our population, it is proposed that four companies shall constitute a battalion. The precincts of the battalions would thus be less remote from their respective centres, than if the number of companies were five, as at present.

Should the systems of instruction in preparation for the different arms of militia, cavalry, artillery, and infantry, (and under the latter denomination are included light infantry and riflemen,) be adopted by the proper authority, the Board beg leave to recommend, that the whole be distributed to the militia officers at the expense of the United States, as follows: one copy of each system to every General Officer and General Staff Officer, and a copy of each system, according to the arm of the respective officers, to all other militia officers, chaplains, surgeons, and assistant surgeons, excepted.

The camps of instruction, it will be observed, are recommended by the Board for Officers exclusively. Considerations of public economy, chiefly, induced this limitation. The benefits of the system of instruction, by means of camps, would not, however, be confined in their effects to the officers. The tactical experience acquired by them in the school of the camps, would be naturally imparted to the ranks at such trainings or musters as the States may respectively prescribe; and, in case of active service, the officers would be enabled, in a reasonable time, to render their corps equal to all the emergencies of a campaign. The maxim, that *good officers make good soldiers*, has the support of universal experience, and on this the Board has founded the recommendation above.

In respect to the camps of instruction, it may be observed that another great advantage would result from the proposed manner of furnishing instructors, ; as the latter might be required, in the details of a bill, to certify to the time of actual attendance, at the several camps, of each officer, to whom it is proposed to give a per diem allowance and mileage. The certificates of the instructors, so employed, countersigned by the commanders of the camps, respectively, would furnish sufficient vouchers on which the payments by the United States might be made.

The 12th and 13th questions of the Circular Letter have elicited a very general and decided expression of opinion, in the replies, against tours of militia service of three months only. The majority of these letters recommend extending the period to a year, and in this the Board concurs.

Finally, the Board will remark, that many details have been intentionally omitted in the subjoined plans; because it was supposed in a report of this character, outlines and such details only were required, as might serve to develope the *principles* of an entire scheme. The details omitted readily suggest themselves, and might easily be brought into a bill.

Plan for the enrolment and organization of the Militia of the United States.

1. It is recommended that there be appointed one *Adjutant General for the Militia of the United States*, to be attached to the War Department, but without rank.

2. That there be appointed, in each State, an Adjutant General of the Militia of the State, and one Quartermaster General of the Militia of the State; or, in time of peace, one officer, to be both Adjutant and Quartermaster General: such officer, or officers, to have, each, the rank of Brigadier General.

3. It is recommended to exempt all persons, under the age of twenty-one years, in the several States, from service in the Militia of the United States.

4. It is recommended that there be enrolled and organized, in each State, from the whole mass of able bodied white male citizens, resident therein, who are, or shall be, above the age of twenty-one years, and always taking the youngest above that age, at the rate of one brigade of Militia, organized as herein proposed, for every member of the House of Representatives of the United States to which the State may be entitled.

5. It is proposed that every two brigades of Militia, so enrolled, in the same State, shall constitute one division; and if there be an odd brigade in the State, above a division, that such brigade be attached to some convenient division, at the discretion of the State; that every brigade shall consist of three regiments; every regiment of two battalions; every battalion of four troops, or companies; and every troop, or company, of five sergeants, five corporals, two musicians, and sixty-four privates. Each State to have the right to designate regiments, battalions, troops, and companies, as Cavalry, Artillery, Light Infantry, Infantry, and Riflemen, at its discretion; or, to accept as part of its quota as above, without regard to the limitation as to the age of twenty-one years, uniformed volunteer corps of either arm, if armed and equipped according to designation, and organized as herein proposed.

6. It is proposed that each State, also, have the right to extend the number of privates, per troop and company, within the State, from the minimum, sixty-four, to any number not exceeding one hundred.

7. Privates in troops of cavalry, to be also designated *troopers*; and privates in companies of artillery, *matrosses*; and light infantry and riflemen to be included in the general denomination of *infantry*.

8. Divisions, brigades, regiments, and battalions, may consist of different arms, as cavalry, artillery, and infantry, as above; and when several troops of cavalry, whether single, or organized into regiments or battalions, are united for parade, instruction, or service, they will be subject to an organization, in part, peculiar to this arm; thus, two troops will constitute a squadron, two squadrons a battalion, and, as in the other arms, two battalions a regiment; but, on the accidental or temporary union of two or more squadrons, without field officers of this arm, the commander of the division or brigade, to which the squadrons belong, may detach one or two field officers to command the squadrons so united. A similar rule would be applied to a temporary or accidental union of two or more companies of artillery in the same battery, or line of batteries; and to two or more companies of light infantry or riflemen.

9. It is proposed that the said Militia be officered by the respective States, as follows: *To each division*, one Major General, with two Aids-de-Camp, (to be appointed by the Major General,) each with the rank of Major; one Division Adjutant General, with the rank of Lieutenant Colonel; one Division Quartermaster, with the rank of Major; and one Chaplain—the three latter to be permanently attached to the division. *To each brigade*, one Brigadier General, with one Aid-de-Camp, (to be appointed by the Brigadier General,) with the rank of Captain; one Brigade Major, with the rank of Major; and one Brigade Quartermaster, with the rank of Captain—the two latter to be attached permanently to the brigade. *To each regiment*, one Colonel, one Regimental Adjutant, and one Regimental Quartermaster—both to be selected by the Colonel from the Lieutenants of the regiment; one Surgeon, and one Assistant Surgeon—both to be appointed by the Colonel, and by him attached to the respective battalions of his regiment; and one Regimental Sergeant Major, and one Regimental Quartermaster Sergeant—both to be appointed by the Colonel, from the enrolled men of his regiment. *To each battalion*, one Lieutenant Colonel, or one Major; but there shall be only one Lieutenant Colonel in the same regiment, whose battalion, when united with that of the Major, will be entitled to the right, and when, also, both battalions will take the denomination of wings. *To every battalion*, one Battalion Adjutant, and one Battalion Quartermaster, both to be selected by the commander of the battalion from its Lieutenants: one Battalion Sergeant Major, one Battalion Quartermaster Sergeant, and one Principal Musician—the three latter to be appointed by the commander of the battalion, from the enrolled men of the battalion: provided, nevertheless, that, as often as the two battalions of a regiment unite, and as long as they shall remain united, for parade, instruction, or service, the Battalion Adjutants, Quartermasters, Sergeant majors, and Quartermaster Sergeants, shall return to, and do duty in, the line of their respective battalions. *To each troop and company*, one Captain, one First Lieutenant, and one Second Lieutenant—to which add, one Second Lieutenant to each troop of cavalry, and one First Lieutenant and one Second Lieutenant to each company of artillery.

10. In battalions of infantry, when serving separately, or not united into regiments, the State color will belong to the lieutenant colonel's battalion, and the regimental color to the major's battalion, each color to be borne by a sergeant-color-bearer, posted in the front rank, between two corporals, on the left of the right centre company, and the color-bearer with the two corporals on his right and left will be covered by three other corporals in the rear rank: but when the two battalions of a regiment unite into one, the two colors shall be borne and posted as is prescribed for the colors of the infantry of the United States' Army.

The following table exhibits the number of troops or companies, battalions, regiments, brigades, divisions, enrolled men, and officers, which the foregoing propositions would give to each State and to the *District of Columbia*, to which it is also proposed to extend this plan of enrolment and organization. But as the population of the District of Columbia is less than that of the smallest State, it is further proposed that the brigade to be organized therein, may consist of but *two* regiments.

It is proposed to leave the militia of the Territories of the United States, in all respects precisely on the present footing.

In the Table, the term *minimum total* is used to express the whole number of *enrolled men* (exclusive of officers) at the rate of sixty-four privates per troop and company: *maximum total* the whole number of enrolled men at the rate of one hundred privates per troop and company: *minimum aggregate*, the minimum total, added to the whole number of officers, and *maximum aggregate*, the maximum total, added to the whole number of officers—the number of officers, non commissioned officers, and musicians—also, the number of divisions, brigades, regiments, battalions, and troops and companies, remaining the same, both for the minimum and maximum number of privates.

STATES.	Troops and Companies.	Battalions.	Regiments.	Brigades.	Divisions.	Minimum Total.	Maximum Total.	Officers.	Minimum aggregate.	Maximum aggregate.
Maine	168	42	21	7	3	12,768	18,816	655	13,423	19,471
New-Hampshire	144	36	18	6	3	10,944	16,128	564	11,508	16,692
Massachusetts	312	78	39	13	6	23,712	34,944	1,219	24,931	36,163
Vermont	120	30	15	5	2	9,120	13,440	467	9,587	13,907
Rhode-Island	48	12	6	2	1	3,648	5,376	188	3,836	5,564
Connecticut	144	36	18	6	3	10,944	16,128	564	11,508	16,692
New York	816	204	102	34	17	62,016	91,392	3,196	65,212	94,588
New Jersey	144	36	18	6	3	10,944	16,128	564	11,508	16,692
Pennsylvania	624	156	78	26	13	47,424	69,888	2,444	49,868	72,332
Delaware	24	6	3	1	-	1,824	2,688	91	1,915	2,779
Maryland	216	54	27	9	4	16,416	24,192	843	17,259	25,035
Virginia	528	132	66	22	11	40,128	59,136	2,068	42,196	61,204
North Carolina	312	78	39	13	6	23,712	34,944	1,219	24,931	36,163
South Carolina	216	54	27	9	4	16,416	24,192	843	17,259	25,035
Georgia	168	42	21	7	3	12,768	18,816	655	13,423	19,471
Alabama	72	18	9	3	1	5,472	8,064	279	5,751	8,343
Mississippi	24	6	3	1	-	1,824	2,688	91	1,915	2,779
Louisiana	72	18	9	3	1	5,472	8,064	279	5,751	8,343
Tennessee	216	54	27	9	4	16,416	24,192	843	17,259	25,035
Kentucky	288	72	36	12	6	21,888	32,256	1,128	23,016	33,384
Ohio	336	84	42	14	7	25,536	37,632	1,316	26,852	38,948
Indiana	72	18	9	3	1	5,472	8,064	279	5,751	8,343
Missouri	24	6	3	1	-	1,824	2,688	91	1,915	2,779
Illinois	24	6	3	1	-	1,824	2,688	91	1,915	2,779
District Columbia	16	4	2	1	-	1,216	1,792	61	1,277	1,853
	5,128	1282	641	214	99	389,728	574,336	20,038	410,374	595,270

The numbers in the eighth column do not include the additional lieutenant proposed for each troop of cavalry, or the two additional lieutenants proposed for each company of artillery; because, the proportions of those arms, respectively, to the infantry, the Board proposed to leave to the discretion of the several States. But it is presumed, the proportion of cavalry to infantry, or of artillery to infantry, would in no State exceed one to eleven. At this rate, the additional lieutenants would be six to a brigade, or 1284 for the 214 brigades.

Camps of Instruction.

11. For the instruction of officers, it is recommended that each State appoint as many camps of instruction as there may be divisions of militia organized in the State, or if there be no divisions in the State, then a camp for its brigade.

12. At such periods as the respective States may appoint, it is recommended that all the officers of each division, or in a State that has no division, all the officers of the brigade, surgeons and assistant surgeons in both cases excepted, be assembled at the camp appointed as above, and there be held assembled and encamped ten successive days in each year, under the immediate command of the senior officer actually present, of the division or brigade. The military instruction, both theoretical and practical, to be conducted, at each camp, by a competent instructer, under the superintendence and direction of the commanding officer of the camp—the practical part at a rate of not less than six hours a day, for the ten days' encampment; and, in order the better to introduce uniformity of practice under the systems of instruction which may have been established by Congress for the different arms, as cavalry, artillery, and infantry, it shall be the duty of the Secretary of War, on applications made by the Executives of the several States, to provide competent instructers, and, as far as practicable, by selections from the officers of the Army, or graduates of the United States' Military Academy: provided that the number of instructers so detailed, or employed by the Secretary of War, shall not exceed one for each camp of instruction, as above.

13. The chaplain of each division, who shall be required to attend the annual encampment of the officers of his division, to be held only to the performance of his clerical duties; and a similar exemption extended to the surgeon, or assistant surgeon, one for each camp, to be detailed by the commander of the camp, from the surgeons and assistant surgeons of the division or brigade.

14. It is recommended, that there be allowed, and paid by the United States, to each officer who shall be encamped, as above, —— per day, for each day that he may be encamped, not exceeding ten in the same year, and to each officer at the rate of — cents per mile, for every mile he may necessarily travel once from his home to his camp, and once back in the same year.

15. To the instructers detailed or employed, as above, it is recommended that there be allowed and paid by the United States as follows: if they be officers of the Army, to each a per diem of —— for each day

actually employed at a camp of instruction, and the transportation of an officer of the Army; and if the instructers be other than officers of the Army, twice that per diem to each, and the mileage of —— cents, as above.

16. It is recommended that —— dollars per day be allowed and paid by the United States, for the hire of musicians at each camp, for the ten days' encampment.

According to the foregoing propositions, or recommendations, there would be 104 camps of instruction in each year—99 for divisions, and five for independent brigades, including that of the District of Columbia. The accompanying estimates exhibit the probable amount of expense of the whole scheme of instruction herein proposed, according to the different data assumed. See estimates, Nos I, II, III.

The number of officers who would probably be encamped in the same year, if the scheme be adopted by the proper authorities, may be stated in this place.

The whole number of officers according to the foregoing Table - - - - - - - - - - -	20,038
Additional officers proposed for the cavalry and artillery, not included in the table, say - - - - .	1,284
	21,322
Deduct all the surgeons and assistant surgeons, except 104, for the 104 camps - - - - - - -	1,178
	20,144
From this number there may be deducted, say one officer in every six, as the number that would probably be unavoidably absent from the camps - - - - -	3,386
Number of officers who would probably be encamped in the same year - - - - - - - - -	16,758.

All which is most respectfully submitted.

WINFIELD SCOTT,
Major General, and President of the Board.
T. CADWALADER,
Maj. Gen. 1st Div. Penn'a. Militia.
WM. H. SUMNER,
Adjutant Gen. of Massachusetts.
BEVERLY DANIEL,
Adjutant Gen. of North-Carolina.
ABR'M EUSTIS,
Lieut. Col. 4th Artillery.
Z. TAYLOR,
Lieut. Col. U. S. Army.
E. CUTLER,
Lieut. Col. 3rd Infantry.
CHAS. J. NOURSE,
U. S. Army.

I.

ESTIMATES of the probable expense of the Annual Camps of Instruction, proposed and recommended by the Board of Officers of which Major General Scott is President, convened at Washington, under the orders of the Secretary of War.—Note. *Only one of the items of Expenditure (the first) is varied in the Tables.*

No. I.

Probable number of officers that would be encamped for instruction the same year, 16,758.	
If each officer be allowed $1 50 per day for the ten days encampment, to cover his necessary expenses, this item would be, for the 16,758 officers - -	$251,860
Mileage for the same number of officers, say at 5 cents per mile, estimated at $2 50, for each officer, each year - - - - - -	41,894
Say 50 instructers selected from the Army, at a per diem each of $4, for ten days each - -	2,000
Say 54 other instructers, at a per diem of $8 each, for ten days each - - - - - -	4,320
NOTE The transportation and mileage of the instructers not calculated.	
For the hire of music at each camp, ten days for the 104 camps at, say $5 a day each - - -	5,200
	$304,774
If the United States furnish horsemen's tents, say at the rate of one for every four officers, the number of tents would be about 4190, and the first cost (at $25 50 each,) $106,795. The tents, placed under the care of the respective division and brigade quartermasters, and by them annually reported and accounted for, through the Executives of the respective States, would probably last, at least, eight years. On these suppositions, add to the above items one eighth of the first cost of the tents, or - - - -	13,349
Whole cost of the 104 annual camps, as above,	$318,123

NOTE. It is not supposed that other articles of camp equipage would be required, than tents, either from the United States, or the respective States.

No. II.

16,758 Officers, at $1 25 cents, for ten days each -	$209,495
Mileage of the same officers, as in estimate No. I. -	41,894

104 Instructers, say the same as in estimate No. I. -	6,320
The hire of music, say the same as in estimate No. I.	5,200
	$ 262,909
To which, if tents be allowed, add, as in estimate No. I.	13,349
Total,	$ 276,258

No. III.

16,758 Officers, each at $ 1 per day, for ten days -	$ 167,580
Mileage of the same officers, the same as before -	41,894
104 Instructers, the same as before - - -	6,320
Music, the same as before - - - -	5,200
	$ 220,994
To which, if tents be allowed, add, as before -	13,349
Total,	$ 234,343

Circular letter of the Secretary of War, of 11th July, 1826, on the subject of the Militia, with communications from Governors of States, and other individuals, in reply thereto.

WAR DEPARTMENT, *July 11th*, 1826.

Sir: Among the political maxims which the experience of the People of the United States has adopted as unquestionable, there is no one more universally subscribed to, than that a well organized and a well disciplined militia is the natural defence of a Free People. Uniting most sincerely in common with my fellow citizens in this opinion, I am anxious to see a system adopted by the National Legislature, which will realize the hopes of us all, in reference to this great arm of national defence.

By a resolution of Congress, at their last session, I am enjoined to cause to be prepared a complete system of cavalry tactics; and, also, a system of exercise and instruction of field artillery, including manœuvres for light, or horse artillery, for the use of the militia of the United States; to be reported for consideration or adoption by Congress at its next session.

The wisdom of this measure is made manifest by the objects, which are two-fold; first, the establishment of the best system; and, secondly, that it shall be uniform. The importance of the last is scarcely inferior to the first: for who can well appreciate the inconveniences resulting from different systems in the same army? the militia differing among themselves, as also with the regular army, with which they may be called to act, and yet it is, I believe, too true, that but little uniformity prevails; if practicable this defect must be removed.

I am duly sensible how difficult it is to establish a uniform system. The difference of condition, physical and moral, in the different States, and the preferences which each has for that which from time they have been accustomed to, present serious obstacles to a homogeneous system throughout all the States, yet I would fain hope not insurmountable.

All our national institutions, and much of our legislation, are founded in that mutual spirit of deference and forbearance which have so signally distinguished the People of these States, and therefore one may indulge the hope, that, in an object of such vital importance as a well-regulated militia, minor objections will be sacrificed to the attainment of so great a good.

To enable me to execute the duty assigned me by Congress, it is most desirable that I should acquire all the information within my reach, and while so doing, the opportunity seems a seasonable one, to ascertain the different systems, both of organization and instruction, which prevail in each State; and, also, the defects and remedies which observation and judgment may have suggested, that, by a comparison, a system may be extracted which will, most probably, unite the greatest number in its favor; which system, when matured, will be submitted to the wisdom of Congress, who have had for several sessions this interesting subject under consideration, and who are alone competent to apply some of the remedies required: a portion of the control over this subject being retained to the States. It is with this view that I address you, as also the Governor of each of the States and Territories, and such distinguished citizens known to me, from whose experience I expect to derive much valuable information.

To this end I beg to submit the following questions:

1st. What is the number of your militia?

2d. Are they organized in strict conformity to the law of Congress? if they differ—in what?

3d. Are the regular or volunteer militia most efficient?

4th. Is there a preference given for entering volunteer corps?

5th. Does the establishment of the volunteer militia operate injuriously on the regular militia?

6th. What proportion do the volunteers bear to the regular militia?

7th. Would it promote the efficiency of volunteer corps if they had the power by law of making by-laws for their own government?

8th. Would a classification of the militia be an improvement; one to be called the *active*, the other the *sedentary*?

9th. In making the classification, should age, or the single or married state, form the distinction?

10th. If age, what the proper periods?

11th. Would it be an improvement to issue commissions only to inferior grades, in time of peace? if so, what should be the highest?

12th. Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?

13th. If so, to what period might it be properly extended?

14th. What are the regulations of your State, as to training the militia?

15th. From your experience, are frequent musters advantageous to the great body of the militia?

16th. Would it be an improvement to confine the instruction to the officers exclusively?

17th. Is the system of *Infantry* tactics, directed by law, universally pursued?

18th. What system of exercise and instruction of artillery have you practised or followed? what are its defects and remedies?

19th. What system of cavalry tactics have you adopted? what are its defects and remedies?

As from some of the States and Territories returns of the militia have not been made, the first of these queries became necessary in a general letter.

Although the training of the militia is confided to the States, it is important that their regulations in this particular should be known at this Department, and it will be attended with good effects, that the system of each should be known by all the States.

If any thing suggests itself worthy of communication, though not called for by any particular question, it will be highly acceptable.

As in your State, I doubt not, you have many citizens unknown to me, whose information and experience would be very valuable, I have presumed so far on your goodness as to ask you to direct and forward the enclosed letters to persons of that description.

I have to beg your earliest attention to this subject, as a Board will be immediately convened to perform the specific duties assigned me. To this Board I shall unite one or more militia officers.

I have further to request that the correspondence which may be addressed to me on these subjects may be endorsed "Militia Service."

With the greatest consideration and respect,

I have the honor to be,

Your most obedient servant,

JAMES BARBOUR.

ROSE MOUNT, *20th October*, 1826.

SIR: I received your circular of the 11th July last, containing a number of queries respecting the system adopted in the State of Maryland, for the "organization and instruction" of the Militia, which was referred to the Adjutant General of the State, and I now have the honor to enclose his reply.

I have delayed forwarding it till this late period, for the purpose of superadding some observations of my own, but I find so much difficulty in treating the subject, that I have declined it, well knowing

that under your superintendence it will be in able and experienced hands.

With great regard,
Your respectful and obedient servant,
JOS. KENT.

Hon. JAMES BARBOUR,
Secretary of War.

ADJUTANT GENERAL'S OFFICE,
Annapolis, August 1st, 1826.

To the Governor of Maryland:

Nothing suggests itself to me at all likely to meet the views of the Secretary of War. Much time, and much more information and experience than I have had, will be required to mature such a system as seems to be necessary. I will endeavor to give the best answers to the several interrogatories which the short time I have had since receiving the circular will permit.

1st. It will be seen by the return of 1825, that the number of our Militia is 40,091. But I feel a conviction, arising from my own knowledge, and from information derived from the officers, that, if a complete return was obtained, the number would not be less than fifty thousand.

2d. There can be no decisive answer. Our act of Assembly directs the organization in conformity to the law of Congress; but at present our militia is very imperfectly organized.

3d. I think the volunteer Militia most efficient.

4th. The law of 1811 gives a preference to those entering volunteer corps.

5th. I have no knowledge that the establishment of volunteer Militia operates injuriously on the regular Militia.

6th. The returns being so imperfect, the proportion of volunteers to the regular Militia is not known to this Department.

7th. The volunteer corps have the power, by law, to make their own by-laws, but it does not generally promote their efficiency.

8th. I do not see the advantages to be derived from classification.

9th.

10th.

11th. I do not think it would be an improvement to issue commissions only to inferior grades in time of peace.

12th. I think the period of three months' service only is too short to be efficient; but

13th. I am not prepared to say what is the most proper period.

14th. The act of 1824 directs the United States' discipline to be used.

15th. My experience of musters is considerable, having attended them, as Commander of the 22d regiment, for many years, and I am

decidedly of opinion that they are disadvantageous to the Militia. They tend to corrupt the morals of the People, and no information can be derived at them; and

16th. I am equally positive in the belief, that it would be an improvement to instruct the officers exclusively; for, to the want of qualification in the officers generally, may be attributed in a great measure the very defective state of the militia. I owe it to the officers, however, to say, that I do not think consider a fault of theirs, for they shew a zeal in the service, but the difficulty of procuring books of instruction is great, and that of instructers is greater.

17th. The infantry tactics is pursued as far as practicable.

18th. It is not known to this Department what system of artillery exercise is pursued; no particular instruction has been directed by law, and the several artillery corps being attached to brigades, and, of course, very remote from each other, it is not probable that any uniform system has been adopted.

19th. By the act of Assembly of 1811, c. 213, s. 6, a meeting of the officers of the cavalry was directed for the purpose of fixing upon the most proper system of tactics. They adopted the abstract of Colonel Herries' instructions for volunteer corps of cavalry, adapted to the use of volunteers and the Militia of the United States." No complaints of its defects have been heard by me.

With high respect,
I have the honor to be,
Your obedient servant,
RICHARD HARWOOD, of Thomas,
A. G. M. M.

RICHMOND, *October* 23, 1826.

SIR: In compliance with your wishes, as made known through your communication some time since made to me, I now forward, under separate cover from this, three letters, from Generals Cocke, Harvey, and Adjt. Gen. Peyton, in reply to your inquiries in relation to a new organization, &c. &c. of the militia of the United States. A request was also made to Major General Ro. B. Taylor and Brigadier Broadnax, to furnish me with their views and opinions on this interesting subject. From these gentlemen I have no further heard than from General Taylor, that he would set about and finish the task as soon as possible, and presume that he is now engaged on that service. When I shall hear from either of them, their communications shall be forwarded.

I have no views of my own to present—with General Cocke I concur in the main—but differ with him in the supposed necessity of awarding any pay to the officers who might be assembled for training. They would be entirely satisfied if permitted to draw rations. Nor would I dispense with the company musters. They should be

preserved, as the field on which the company officers should display their acquirements. Beside, it would be apt to produce a military spirit even with the privates—for, I have ever remarked, that the soldier partook of the pride of the officer, and that he became also *proud* of the *officer* who was qualified to command. These, however, are crude suggestions, and I leave the whole subject, without further comment, to those much better qualified to decide than myself.

With assurances of great respect,
I have the honour to be,
your most obedient servant,
JOHN TYLER.

Hon. JAMES BARBOUR.

ADJUTANT GENERAL'S OFFICE,
Richmond, 5th August, 1826.

To His Excellency JOHN TYLER, *Governor of Virginia:*

SIR: I have had the honor to receive your communication of the 24th ult. covering one from the Department of War, and now proceed, agreeable to your request, to make such reply to the inquiries therein contained as the records of this office affords, or as occurs to my mind; premising that I have never been in actual service with militia, but always with regular troops of the United States, consequently not qualified to give a satisfactory opinion upon some of the points submitted, if indeed I am upon any. I offer them as mere suggestions to your better judgment, to be taken for what they are worth.

1st. What is the number of your militia?

By the returns of 1825, the latest on file, the strength of the infantry, light infantry, grenadiers, and riflemen, was 86,348, of cavalry 7,524, and of artillery 5,756, corresponding with my return to the Adjutant General's Office, at Washington, in December last.

2d. Are they organized in strict conformity to the law of Congress? if they differ, in what?

The organization of the militia of this State is not in *strict* conformity to the laws of Congress, but is slightly variant. The number of regiments in a brigade, the battalions in a regiment, the companies in a battalion, and the privates in a company, as well as the number and description of volunteer corps attached to each battalion and regiment, are not in all cases, (although in a large majority they are) consistent with the laws and *recommendations* of Congress: in other respects the variation is slight.

3d. Are the regular or volunteer militia most efficient?

Volunteer corps are generally composed of the most ardent and patriotic young men, and consequently, to a certain extent, considered most efficient; their numbers however, should not, in my opinion, exceed the present limit prescribed by Congress, as the main body of any army must, without doubt, be infantry of the line, which should

not be more weakened in numbers or material, by enlarging the number of volunteers, especially as they are already sufficiently numerous for the performance of all the duties usually required of such corps.

4th. Is there a preference given for entering volunteer corps ?

I am led to conclude there is, in some sections of the State, since it is found necessary to restrain that propensity, while in others it prevails to a very small comparative extent, and where it is requisite to encourage the raising of volunteer companies, to comply, as far as may be, with the prescribed organization.

5th. Does the establishment of the volunteer militia operate injuriously on the regular militia ?

Limited as it is in this State, I do not perceive that it does, but it certainly would be very prejudicial, in some sections, unrestrained.

6th. What proportion do the volunteers bear to the regular militia ?

As 23,712 is to 75,916—99,628 being the aggregate of every corps —and the ratio, from year to year, does not materially vary.

7th. Would it promote the efficiency of volunteer corps if they had the power, by law, of making by-laws for their own government ?

I do not perceive that it would, although it would no doubt be desirable to them; uniformity is necessary to efficiency in all corps, in service, and that can only be attained by compelling them to conform to such wise and wholesome regulations as may be desired by the proper authority, and to which I have no reason to doubt they would readily submit; otherwise they would lose that claim to superior patriotism which has ever been accorded to them.

8th. Would a classification of the militia be an improvement, one to be called the *active*, and the other the sedentary ?

9th. In making the classification, should age, or the single or married state, form the distinction ?

10th. If age, what the proper period ?

I incline to the opinion that a classification of the militia would be advantageous, and that age should form the distinction; the first class to be between the ages of 18 and 30, the second between 30 and 38; and the third between 38 and 45 years—so as to throw the weight of service on the youngest men, who have more health, vigour, and enthusiasm, and fewer engagements at home to suffer by their absence, added to which, soldiers are far more efficient at this period of life than at any future time—and, although they may have less at stake than those more advanced, yet it is not less their duty to defend the country which gave them birth, and the Government and laws which has protected them and their ancestors in person and property.

11th. Would it be an improvement to issue commissions only to inferior grades, in time of peace ? if so, what should be the highest ?

There would certainly be a great advantage, at the commencement of a war, in having the selection from all ranks of society, of officers well qualified for command, which they would not accept in time of peace, as is manifest from the extreme inferiority of many holding commissions at all times, and of the great difficulty in many sections of the State, of officering the militia at all, especially in the more in-

ferior grades. Yet some organization of the militia, in time of peace, is essential, especially in the Southern States, where they are subject to calls, not known to States to the North, and where despatch and certainty are important. These cannot be secured without organization to a certain extent, say into battalions at least, probably to regiments, with proper officers in command, through whom orders can be distributed, and corps brought to act with celerity; it is also necessary to have such an organization as will ensure correct returns of the strength and equipment of the several corps, at least once a year. To secure these objects, I doubt whether it would be sound policy to dispense with any grade under that of the Commandant of a Regiment, however desirable in other respects it might be; beyond that, little inconvenience would be experienced in vacating commissions.

12th. Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?

13th. If so, to what period might it be properly extended?

A three months' tour of service I consider as little less than useless; it is not possible to prepare troops for efficient service in less than that time, even of such as are not constantly looking forward anxiously to the period of discharge, which necessarily distracts the attention, and lessens the effect of instruction and discipline. No term of service should be less than six months, and the only doubt I entertain is, whether it should not be extended even further, to render the militia a safe source of defence.

14th. What are the regulations of your State, as to training the militia?

Officers of every rank and corps from that of colonel, are trained once in twelve months, three days, immediately preceding the regimental musters, by the respective Inspectors of Brigade. For the instruction of the privates, there are two musters, by companies, per annum, one battalion, and one regimental muster.

15th. From your experience, are frequent musters advantageous to the great body of the Militia?

The frequency of musters is less important, than the period of time employed in training, when called together; hence, troops would acquire more knowledge in a continued drill for three successive days, than in three days similarly employed at intervals; hence, I see little advantage in frequent musters, as at present conducted in this State.

16th. Would it be an improvement, to confine the instruction to the officers exclusively?

As stated, in answer to the preceding question, I see little efficiency in the present mode of training the privates; and to call them together for longer periods, would be attended with great inconvenience to a large majority of them, as well as heavy expense, more than equivalent to the advantages likely to result from it;—with the officers, less embarrassment is to be apprehended on these grounds, and well trained officers will soon make well trained soldiers. I am,

therefore, of opinion, it would be better to confine instruction to the officers exclusively.

17th. Is the system of *Infantry* tactics directed by law, universally pursued?

I cannot say that it is, in universal, yet it is in general use—the work has not been distributed to the officers, and many of them cannot meet with it, while others are unable, and probably some unwilling to provide it at their own expense. It is to be regretted that a different policy is not pursued in this respect.

18th. What system of exercise and instruction of Artillery have you practised, or followed? What are its defects and remedies?

19th. What system of Cavalry tactics have you adopted? What are its defects and remedies?

No system of tactics for Artillery or Cavalry has been prescribed in this State, or generally adopted; in the absence of it, every company has been left to pursue such system as they thought best, so far as I am advised.

I have now given you, hastily, my present views of the several points submitted by the Secretary of War, without having time for such reflection on the subject, as its importance merits, not doubting, but that every idea I have thrown out, has been already better conceived by yourself, and will be presented to him in a shape far more extended and useful, availing yourself, as you will, of the experience and talent of some of the first officers of our State, if not of the United States, who have also the advantage of much actual service in the field, with this description of force.

I have the honor to be, most respectfully, Sir,

Your obedient servant,

BERNARD PEYTON,

Adjutant General.

To Colonel Bernard Peyton, Adjutant General of Virginia.

BREMO, *August*, 1826.

SIR: Yours of the 24th ulto, at the request of his Excellency Governor Tyler, calling my attention to an enclosed communication from the Department of War, came duly to hand.

However small the means in my power, of contributing any thing worthy of notice upon the difficult subject of a new organization of the militia, its importance has been too long and too deeply impressed upon my mind, to withhold my mite, did it only serve to show my approbation, that the Government are about to take up a subject, the neglect of which, has been a source of solicitude to all reflecting men; but, especially, to those who had the opportunities of seeing the defects of our present Militia system, during the late war.

The questions of the honorable Secretary, embrace much ground beyond the field of my military experience; while some of them, can

be answered only by the Chief Magistrate, whose official station, gives access to the archives of State. I shall, therefore, confine myself to such of the questions as I can answer categorically, and then proceed to subjoin such observations, as may serve to show the grounds upon which I have formed my opinions.

Question 3d. Are the regular or volunteer Militia most efficient?

Answer. For an effort to repel a sudden invasion, volunteers would be found to be most efficient, because they would be more prompt in coming into the field—but for protracted service, the regular drafted Militia are best.

Q. 4. Is there a preference given for entering volunteer corps?

A. There is a preference, arising from the rank of volunteer corps being supposed to be filled with a better class, and having the privilege of electing their officers.

Q. 5. Does the establishment of the volunteer Militia operate injuriously on the regular Militia?

A. It does—by drawing off the better class, it leaves the remainder comparatively debased. And the privileges claimed by volunteers, and the indulgencies too often granted to them, operate to increase the dissatisfaction of the regular Militia, when made to submit to the necessary restraints of discipline.

Q. 7. Would it promote the efficiency of volunteer corps, if they had the power by law, of making by-laws for their own government?

A. I can see no advantage from such an arrangement, that is not attainable under the system of voluntary association which already prevails. The privilege of making by-laws must necessarily be restricted within the limits of the military code, which ought to provide for all essentials, and equally for all descriptions of troops—such a power, then, given by law, it would seem, could serve no purpose sufficient to compensate for the inevitable effect it would produce, of drawing a stronger line of distinction between the volunteers and regular Militia, which, to my apprehension, is sufficiently strong already to operate injuriously.

Q. 8. Would a classification of Militia be an improvement; one to be called the *active*, the other the sedentary?

A. A proper classification, has long, in my mind, been indispensably requisite to any successful scheme to organize and discipline the Militia—but, I should avoid any distinction, even nominal, that implied a difference in the service to be rendered by the different classes.

Q. 9 and 10. In making the classification, should age or the married state form the distinction—if age, what the proper periods?

A. The classification should be regulated both by age and marriage.

The whole free male population of the State, between the ages of sixteen and forty-six, should be divided into two classes—The first class to be composed of all between the age of sixteen and thirty years of age, and the second class of the remainder—Each of these classes to be subdivided into the single and married—the single to be designated the first division, and the married to be designated the second division of their classes respectively.

Q. 11. Would it be an improvement to issue commissions only to inferior grades in time of peace—If so, what would be the highest?

A. It would be attended with many advantages, to issue no commission of higher grade than captain in time of peace.

Q. 12. Is not the period of service for three months only on one tour, attended with great sacrifice of life and treasure, and productive of inefficiency?

A. All experience in the Militia service, during the late war, establishes the affirmative, in answer to the foregoing questions.

Q. 13. If so, to what period might it properly extend?

A. To a period not less than one year.

Q. 16. Would it be an improvement to confine the instructions to the officers exclusively?

A. I have been unable to conceive any other plan, which appears to be equally feasible, to render the Militia promptly and efficiently available for national defence, than that which looks solely to the instruction of the officers, combined with the results deducible from the foregoing classification.

As the instruction of the officers has always been the first requisite, and indispensable condition of my scheme to render the Militia the efficient defenders, as they surely are the national protectors of our country and our liberties, I will commence my observations with this part of the subject, although the last in the order of the questions from the honorable Secretary.

It may be assumed as a military axiom, that "there can be no efficient army without skilful officers." The experience of the late war has removed all doubt (if there was ever any) that the militia, as soldiers, were, beyond all comparison, superior to their commanders as officers. The former did, indeed, vindicate the truth of the assertion, that the yeomanry of a free People are the worthiest defenders of their country. But, while their willing obedience to authority, their patriotic zeal, and their dexterity in the essential use of fire arms, proved them worthy of all confidence, it served to place in stronger light the deplorable deficiencies of their officers. And I venture the assertion without the fear of a dissentient among the commandants of militia corps during the late war, that the great obstacle to success in the organization and discipline of their respective commands, arose from the want of properly instructed and properly qualified subaltern officers.

The system which looks solely to the instruction of the officers, is probably the only one which could be carried into practical effect, upon a general scale, under the existing circumstances of our country. It begins where the first and higher requisites must be supplied, and seems to have in its favor the double advantage of simplicity and economy. It stands clear of the objections which must ever be felt to every plan affecting the common business and daily occupations of large portions of the community, which in our country, in time of peace, it is believed, would never be submitted to, nor could there be any object gained to compensate for breaking up to such an extent

the order and business of civil life, as would be required to train he whole body of the militia into disciplined soldiers. The few and simple duties which a soldier has to learn, may be taught in a few days in the field by skilful officers; especially with our people, who are conversant with the use of the gun from boyhood. But the case is widely different with officers. The higher attainments necessary for them require more time for instruction. Fortunately, the comparative few necessary to form this class may be occasionally detached from the ranks of society without materially deranging its order.

To hold out such inducements to the intelligent and respectable as to make them seek commissions, while at the same time no objectionable burthens are imposed on the one hand, or advantages too enviable are granted on the other, constitute the most formidable difficulties to be overcome. It is deemed essential, however, as the first step, to raise the value and respectability of a militia commission in the public opinion. This can never take place until those who hold commissions are really and truly qualified for the high and important functions which appertain to their respective grades: and to accomplish this end, two measures seem necessary: First, more competent instructors must be employed in the place of our present Brigade Inspectors: And secondly, more time must be taken than is at present required by law for training the officers. It may be safely assumed, that higher qualifications in our military instructors cannot be procured without some enhancement of pay; and if the demands upon the time of the officers were to be considered, they would also require compensation. I have thus been brought to the conclusion, that there can be no substantial improvement in the organization of the militia without some additional drafts upon the Treasury. The participation of the State in this increased expense, would consist of the addition to the salaries necessary to command the time and talents of scientific military instructors, in place of the twenty-two Brigade Inspectors now acting under the old inefficient system, and the pay and rations for a few days in the year of the platoon officers, while actually engaged in the service of receiving instruction.

It is evident, from the little demand for, and low state of, military sci ce at present in our country, that it would be difficult, if not impo sible, to procure the necessary number of qualified instructors to ca y this system at once into full operation: but this evil could soon be removed by that co-operation of the General Government with the States, which has been so wisely provided by the Constitution in relation to the Militia.

By the Constitution, Congress is charged "to provide for organizing, arming, and disciplining the Militia;" thus placing within its province the establishment of the necessary additional military academies for the purpose of educating the required number of instructors for the whole body of the Militia.

Four national institutions, one within each of the grand divisions of the Union, would, in two years, supply the demand; that period

being deemed amply sufficient for such a course of instruction as to answer the objects in view. Thus, military beneficiaries being taken from every brigade in the United States, and instructed under the superintendence of the War Department, would carry into every district of the Union a uniform system of discipline and organization, the desideratum, doubtless, contemplated by the framers of the Constitution in assigning control over the subject to Congress. The surplus of educated officers, which would soon occur, would be ready to supply vacancies in the offices of Brigade Instructors, or, by a regulated routine, might be made to act as a salutary stimulant to the incumbents, or, in any event, would answer the exigencies of the State in future times of war.

Thus would be furnished and kept up, at a moderate expense, in comparison with the great public objects attained, a perennial source of military academicians, to keep up schools of military science within the precincts of every brigade. This measure, by raising the standard of military qualifications to the point of commanding public respect, would at the same time convert the now despised militia commissions, into diplomas of honor, for which there need be no fear of a want of competition among the intelligent and respectable class of citizens—the only class from which officers ought to be taken.

It would not be the least of the advantages of this scheme, that it would dispense with the present frequent, and worse than useless, musters. They are, in truth, instead of schools of practice, schools of insubordination and vice, where the first and simplest duties of a soldier are rarely, if ever, taught. Nor is it conceived that it would be necessary to call the militia together more than once in every year to register and to class them.

By this system, which overlooks the minor and more easily attained accomplishments of the many, whose province is to obey, and is directed to the more difficult and important qualifications of the few, who are to command, many of the difficulties are gotten over, hitherto considered formidable, in the way of organizing an efficient and safe military power for national defence. It prepares the first requisites and the most essential elements of an efficient army, without deranging the order and industry of civil life; and, by the diffusion of these elements into every district of the Union, it guards against all tendency to the growth and establishment of a military cast—that feature of a standing army so justly alarming to every free People.

In forming this corps of officers, there are many reasons in favor of issuing no higher commission that that of Captain. It would be recommended by economy, as it would probably be found indispensable to give pay and rations during the period of training. But, as the course of instruction would embrace the whole routine of the duty of field officers, the community would obtain, at the price of the pay and rations of platoon officers, all the qualifications necessary for the commandants of battalions and regiments, whenever a state of war might require them in the field.

The economy of this arrangement, however important, bears no comparison with the advantages resulting in another way. By leav-

ing the higher appointments vacant until the exigencies of war demanded the best talents and choice spirits of the land, of every profession and occupation, every class in society would find the course of honorable ambition in the service of the country open before them; and experience has shown that, although a well regulated system of military schools may be confidently relied upon to make subalterns, the Author of Nature makes Generals; and that times and events draw them forth from every walk in life.

As it will hardly be doubted that such a system as is here proposed would bestow a much higher degree of military knowledge on the platoon officers than is now possessed by even the higher grades of field officers, it is inferred there could be no possible injury to the public interest, by devolving all the functions of local police, as well as the peculiar duties now assigned to the commandants of battalions and regiments, to the first and second Captain, by seniority, within each regimental district. The few duties now performed by the Brigadiers might be transferred to, and could be easily performed by, the Adjutant General. The present complex system of company, battalion, and regimental musters would give place to an annual general muster—the sole object of which would be to form, in the first place, and afterwards to correct, the classification, in order to make out the returns to the Adjutant General's office.

The first division of the first class should be designated as the first to be called out, at all times when the exigencies of the country required it. This class, wholly composed of the young, and unincumbered with the relations of married life, possessing the ardor and docility of youth, with the essential knowledge of fire-arms (to aim with precision and fire with effect, so universally understood by our people,) would have little more to learn than the mere graces of the manual, and the march; and these, with skilful and well-trained platoon officers, would require but a few weeks. It may be here remarked, that this classification would also give, in the highest degree, all the advantages of that homogenity in the character of troops, so favorable to the birth and growth of the *esprit du corps*—the salutary stimulant, and vital principle, of gallantry and enterprise in armies.

But none of these anticipations can be realized without extending the tour of service. In the short tour of three months, fully one-half of the time will be consumed, even with the best officers and utmost assiduity in preparing raw militia for any degree of efficient duty: so that, under the most favorable circumstances, the three months' tour will be rendering, in effect, but six weeks' service. To depend upon an army which, in its organization, contains the principle of its own annihilation quarterly, and whose efficiency, at best, cannot be counted upon for more than half the term of its nominal existence, to oppose a force, constituted as is customary in modern war, is too manifestly idle to require argument: and if the evil consisted merely of the inefficiency of this part of our system, this branch of the subject might be dismissed; but it is also the most wasteful of life, as well as destructive of treasure—the sinews of war.

One of the most important duties to be learned by a soldier, is to take care of his health, and provide for his comfort. Universal experience has shewn, that a three or six months' tour is too short to enforce this essential branch of discipline. This was proven beyond controversy by the relative degrees of mortality in the Militia and the regular Army, every where, during the late war.

A tour of twelve months, especially with such materials as would constitute the first division of the first class by the proposed classification, would obviate the above objection.

In youth, habits are more flexible, as well as the disposition more docile, and the term of a year would be long enough to impress the necessity of thorough conformity to all the rules of discipline, as well those relating to personal habits, as military duties in the field. With such a corps of officers as this system would provide, co-operating with the proposed classification, the interval between the beginning of the year, and the usual season of field operations, would be sufficient to prepare an army, if not of quite equal skill, of superior moral to veteran mercenaries.

Volunteer Corps should be encouraged where the denseness of the population would admit of mustering often enough to train and discipline them thoroughly. And for other reasons might be chiefly confined to the towns, where I should think it advisable for the whole body of the militia to be put upon the establishment of regular trained bands.

Many of the objections to Volunteer Corps in the country, do not apply with equal force to the towns; but details would be here out of place, and I will close this mere sketch of the outlines of a system, which, it will be perceived, applies only to the body of regular Militia of the line, in the interior of the country, scattered thinly over its extensive surface.

I have the honor to be, &c.

JOHN H. COCKE.

RICHMOND, *August* 19, 1826.

SIR: Absence from town and subsequent severe indisposition have hitherto prevented me from attending to his Excellency's request relative to the Circular enclosed by you from the Honorable the Secretary of War, relating to the Militia. I most sincerely regret that my little experience in military matters will prevent me from suggesting any thing from which any benefit can flow; but, uniting most heartily with the Secretary in the maxim that a well disciplined Militia is the true defence of a free People, I feel myself compelled, not only from a desire to attend, in all respects, to his Excellency's wishes, but, from a sense of duty, to answer as well as I can the questions propounded, and to make such suggestions as have presented themselves to my consideration. In answer to the first question, viz: 1st. What is the num-

ber of your Militia ?—I imagine that the object of the question is to ascertain the aggregate number of the Militia of each State, and that, I presume, the Annual Return of the Adjutant General will shew. 2d. Are they organized in strict conformity to the Act of Congress ? Answer : They are. 3d. Are the regular or volunteer Militia most efficient ? Answer : Never having served in camp during the War, I cannot speak from experience, but I think I should be disposed to give the preference to the regular Militia, unless my whole command should consist of volunteers, and they should be uniformed, in that case, I should prefer the volunteer Militia: for, I have ever observed, that those Companies which are uniformed seem to partake more of the feelings and character of soldiers, than those which are not. 4th. Is there any preference given for entering Volunteer Corps ? Answer: There is not. 5th. Does the establishment of the volunteer Militia operate injuriously upon the regular Militia ? Answer : The volunteer Militia having no greater privileges than the regular Militia, of course, no injury can result. 6th. What proportion do the volunteers bear to the regular Militia ? Answer : The Annual Return of the Adjutant General, doubtless, shews. 7th. Would it promote the efficiency of the volunteer Militia, if they had the power, by law, of making by-laws for their own government ? Answer : I think not. 8th. Would the classification of the Militia be an improvement, the one to be called Active, the other Sedentary ? Answer : I do not exactly understand the idea intended to be conveyed, but I should prefer the present plan of making all the Militia subject to the same description of duty. 9th. In making the classification, should age, or the married state, or single state, form the distinction ? Answer : The answer to the last question will suffice for this. If the classification should however take, age, undoubtedly, should be the principle upon which it should be made. 10th. If age, what the proper periods ? Answer : From eighteen to fifty. 11th. Would it be an improvement to issue commissions only to inferior grades in time of peace ? if so, what should be the highest ? Answer : I think things are better as they are. 12th. Is not the period of service of three months only, on one tour, productive of great sacrifices of life and treasure, and productive of inefficiency ? Ans. It must be so, for the plainest of all reasons, viz : Because new drafts, ignorant of the hardships they have to encounter in camp, do not make preparation for their comfort, and the very change of habit and climate often produce disease ; disease produces despondency ; despondency, listlessness and a longing after home, which, if it is not, as it often cannot, be gratified, so affects the mind and constitution, as very frequently to result in death : and thus the time which should be employed in training and discipline, is consumed in pining over their real or imaginary griefs. Not so with a man who has been accustomed to a soldier's life. He knows the difficulties he has to encounter, and provides against them ; he is not so liable to disease, and, if he is, he can better bear up against it. The loss of life in an army necessarily carries with it the loss of treasure : for, the ranks must be filled, new drafts must take place, and consequently,

new expenses must arise, in transporting these drafts to the place of rendezvous. Inefficient, because disease prevents the drafts from acquiring a knowledge of the duties of a soldier, and produces an inevitable relaxation of the discipline and wholesome restraint of an army. 13th. If so, to what period might it properly be extended? Answer: If the object be to perform camp duty, I should say six months, from the time they reach camp, and the exigency should be very strong indeed, which, in my opinion, would justify their being kept longer from their homes: for, while the object be to make efficient militia, it surely cannot be the design to make them regular soldiers. 14th. What are the regulations of your State, as to training? Answer: I presume they have been made known by the Adjutant General; and I, therefore, suppose a particular answer to be unnecessary. 15th. From your experience, are frequent musters advantageous to the great body of the militia? Answer: According to the present system, they are, in my opinion, decidedly injurious. 16th. Would it be an improvement to confine the instruction to the officers exclusively? Answer: I think so, decidedly, if the instruction be given to the officers of each brigade assembled. 17th. Is the system of infantry tactics, directed by law, universally pursued? Answer: For many years past there has been no regular system in Virginia, and so many changes have taken place in the system of the army of the United States, that I do not believe that the militia know what the system is, which has been, if any has been, directed by law. 18th. What system of exercise, or instruction of artillery, have you practised or followed; what are its defects and remedies? Answer: I have never acted as an officer of artillery, and am personally unacquainted with the mode of drill or instruction, and I imagine that each officer, commanding a company, has his own system; certainly, there is no uniformity in it. 19th. What system of cavalry tactics have you adopted; what are its defects and remedies? Answer: The same as the last, viz. none having ever been established, by law, each captain selects for himself.

Thus, sir, I have endeavored to answer, as succinctly as possible, the questions propounded by the Hon. the Secretary of War. I would suggest that the difficulty of training the officers by brigade, which seems to be approved on all hands, and the objection to which has hitherto arisen from the expense attending it, may be removed in a manner which, I think, would be, by no means burthensome to the people, and, in fact, would subject them to no additional expense, while it will relieve them from the time they lose by their attendance upon muster, the necessary expenditure of considerable sums of money, and the dissipation which too generally attends such places. Suppose that all the musters, except one regimental muster per year, be dispensed with, and that that should be held more particularly that each man should know the company to which he belongs, and the captain who commands him, than for exercise; would not each man, who is subject to militia duty, save the time which is now consumed in inefficient musters, and the money which he is often times inevitably compelled to expend at the place of muster? That it is indispensably necessary

to have the officers well trained, to make good troops, is admitted by all, and how can they be so well trained, as by brigade, in camp, where they learn not only the mere evolutions of a regiment, but the whole duty of the army? It will be objected, by some, that many officers who would be disposed to hold commissions, if they could remain at home, and be exposed to no extraordinary inconvenience, would throw them up, if they were called upon to leave home for a fortnight; I think very differently; I think that if the officers could fairly understand that there would be a certainty of acquiring any substantial, useful information, that it would be the motive to accept and to hold their commissions. It would seem to me, that, by bringing the officers of the different regiments together, in camp, that a spirit of laudable emulation would be excited among them, and that the happiest effects would flow from it. If, however, there should be some among them who would object to the performance of the duty, on account of the inconvenience, let them resign; we are better without them.

But how is all this information to be communicated? By the appointment of an Adjutant and Inspector General, with three or four assistants, who shall, ultimately, visit the respective brigades in the State, and conduct the drilling of the officers, under the superintendence of their respective Brigadier Generals. How is all this expense to be defrayed, without saddling the State with an enormous debt? for, it is presumed, that the Adjutant and Inspector General, and his assistants are to receive adequate salaries, and that the expenses of the officers, in camp, are to be paid by the public. In the first place, it will be recollected, that the State has to pay, out of the Treasury, annually, about twenty five thousand dollars, on account of the militia, which seems to be considered a useless expenditure. This sum is expended for the pay of an Adjutant General, Brigade Inspectors, Adjutants, Sergeant-majors, &c. &c. I would withdraw the pay from the Brigade Inspectors, Adjutants, &c. &c. and place them upon a footing with all other officers; and I would recommend the enactment of a law, making it the duty of the county and corporation courts to lay such additional levy either upon the taxable property of the county and corporation, generally, or upon the property of those only who were subject to the militia duty, or a capitation tax, as would pay the expenses of the officers of their respective counties and corporations; and the surplus, if any, should be applied to the pay of the Adjutant and Inspector General and his Assistants, the purchase of the necessary camp equipage, for music, &c. &c.

Will this be objected to by the People of the counties, when they take into consideration the relief they obtain from the exemption from muster, and the savings necessarily expended as before mentioned? I think not: for I have no doubt that there will be more money saved to the individuals of the county than they have now to pay for fines, &c. independent of the time saved. Will it not be an improvement to reduce the number of our cavalry, and confine their organization principally to the country between the mountains and the seaboard?

What is the consequence of the present system? Why, that, as by law each regiment may have a troop attached to it, there are frequently two troops in a county, neither of which may, perhaps, ever be called into service, because that species may not be required; and thus they are, in effect, exempted from the performance of any duty, while their brethren of the militia are called on regularly to perform theirs. May not the same thing be said of the artillery? Would it not also be advisable to confine the organization of the rifle corps principally to the country beyond the Blue Ridge, where nature seems to have turned out almost every man a skilful marksman? I think it would be vastly desirable to hold out all reasonable inducements to the volunteer companies in and about our towns in the lower country, to keep their ranks filled, on account of our domestic population, such, for instance, as exemption from serving on juries, to all those who would join and continue in them; and I would suggest the propriety of allowing as many volunteer companies to be raised as practicable, with the positive understanding, that, if they were not completely equipped according to law, by a given period, they should invariably be dissolved. The rifle companies should be organized into regiments; and I should think that the uniform of the cavalry, artillery, infantry, light infantry, should be fixed by law, or by the Executive, and that volunteer companies, of each species of force, should wear the uniform fixed on for each, and none other whatever. The very idea affixed to a volunteer company, is, that it shall be uniformed, and if so, why not as well wear the uniform prescribed by the proper authorities, as that of their own selection. Volunteers are but militia, and why should they be exempted from that necessary subordination which is extended to the main body of the militia? And in determining upon a uniform for the respective corps of the militia, I would recommend that it be distinct from that of the Army of the United States, if for no other reason than that of permanancy: for it will be found that the uniform of the Army of the United States is perpetually undergoing changes, the expense of which it cannot be expected that the militia will be willing to incur. Nothing can be more desirable than the establishment of a corps of light artillery: for the promptness and celerity of its movements, uniting the double character of cavalry and artillery, unquestionably render it the cheapest and most efficient species of force that has ever yet been organized, and thousands of dollars, and of lives would have been saved to Virginia, during the last war, if we had had that species of force properly organized. Do not justice and policy require that the militia should be clothed when ordered into camp? Do we not all know that, with all our attachment to the form of our Government, we all dislike very much to be drafted as militia, to serve in camp, and that, in fact, a great many of those are very poor, and that they consider it a great hardship that they should receive no clothing who are subject to the same hardships and privations as the regular troops, and oftentimes much greater, who receive a regular supply? I think it the true policy of the Government to remove as many of such complaints as practicable, and in

doing so, it might furnish a kind of clothing that might constitute a species of uniform, which would have a very happy effect.

In conclusion, I would recommend that all the Surgeons and their assistants, to every corps, should be appointed and commissioned by the Executive. The Surgeons in all armies have been always looked upon as one of its most efficient aids; and, under our present system, that whole branch of the service is entirely under the control of the Colonels of the regiments. I think this is not right. And thus, sir, have I finished this long and imperfect communication, almost the whole of which has been written upon a sick bed.

I am, sir, very respectfully,

Your obedient servant,

J. B. HARVIE,

Brigadier General 2d Brigade.

ADJUTANT GENERAL'S OFFICE,

Raleigh, N. C. August 9th, 1826.

SIR: Your circular letter of the 10th of June, addressed to His Excellency the Governor of this State, was referred to me with a request to furnish to your Department a reply to the several inquiries contained therein. In compliance with his request, and with a desire of affording every facility in my power, in aid of the views of the Government in relation to this subject, I take much pleasure in subjoining the following answers to the questions propounded.

Question 1*st.* What is the number of your militia?

Answer, 61,798.

2*d.* Are they organized in strict conformity with the act of Congress? if they differ, in what?

Answer. They are. with one exception. A greater proportion of Cavalry is authorized by an act of the Legislature of the State, than prescribed by the act of Congress.

3*d.* Are the regular or volunteer militia most efficient?

Answer. The volunteer militia are composed of better men, commanded by officers better qualified to command; and on all occasions, when calls upon the militia for active service have been made, were found to be the most prompt in turning out, and the most efficient in the field.

4*th.* Is there a preference given for entering volunteer corps?

Answer. None under the laws of this State.

5*th.* Does the establishment of the volunteer militia operate injuriously on the regular militia?

Answer. Volunteer companies in this State, without the towns, are upon the whole injurious to the regular militia. They are generally of short duration; raised in a moment of excitement by the zeal and exertions of a single individual, on whom the command of the company usually devolves. Equipments corresponding with the high feel-

ing of the moment are adopted, they flourish till the excitement is over, which generally subsides with the abatement of the ardor of the commander, or with a change in the command ; vacancies which then occur in the ranks are not easily filled ; the heavy expense of equipments, and a scattered population out of which the company was formed, and have to be supported, are difficulties found operating with effect, and in a short time the company becomes deranged, and the elements which composed it being dissipated, it is often years before they are again collected into the body of the regular militia.

The volunteer companies of the Towns have not to contend with the same embarrasments. The population out of which they are raised, are not only concentrated, but afford a more choice selection of men, who are better able to bear the expense, and to whom the duties being performed at their doors, is attended with less sacrifice of time and of convenience. To the towns to which they belong, they are in danger a defence, in peace an ornament; and hence are indentified by the inhabitants with themselves, both by pride and by interest. Being thus at once the honor and the safety of their fellow citizens, they have sources of life and animation, which companies formed out of a scattered population can never enjoy.

From this view of the comparative importance of the volunteer militia, when thus differently circumstanced, I conclude it would be advisable that the limits within which they are now authorized should should be so narrowed as to confine them altogether to the towns, or to sections of the country where the population is very dense.

There is another point of view in which the bearing of the volunteer upon the regular militia may be worthy of being noticed. The facilities afforded the former in the choice of the men of which their companies are composed, and in acquiring splendor of equipage, give them a superiority of character, (which becomes more apparent upon the same parade) to which no spirit of emulation in the latter, circumstanced as they are, can aspire, with the least prospect of attaining. Thus discouraged in their hopes on one hand, and depressed with a sense of inferiority on the other, their officers, if possessing the pride common to the most deserving, are either influenced to withdraw, or those of similar feelings, prevented from entering a competition attended with so much discouragement, and promising so little gratification; others of inferior capacity and less enthusiasm, succeed to the command. In this way, I apprehend no small injury is sustained by the regular militia. I would therefore suggest the propriety of organizing the volunteer militia into a separate corps, forming no connection with the regular militia, which would probably have the effect of preventing the injury which it is believed is experienced from its service.

The remarks under this head are not intended to embrace rifle companies. They exist under very different circumstances in this State, and are confined mostly to the Western frontier counties, where rifles are the principal fire arms used by the inhabitants, and not unfrequently the case, distinct companies of the regular militia are converted into companies of this description.

6th. What proportion do the volunteers bear to the regular militia?

Answer. Light infantry and granadiers $\frac{1}{50}$th, riflemen $\frac{1}{50}$th.

7th. Would it promote the efficiency of volunteer corps, if they had the power by law, of making their own by-laws for their own government?

Answer. I can see no objection to their being so authorized.

8th. Would a classification of the militia be an improvement; one to be called the active, and the other the sedentary?

Answer. A classification of the militia in this way it is believed would be an improvement, provided the active class is not made so large as to be unwieldy and inconvenient to be subjected to such a course of discipline as may be necessary to render it effective.

9th. In making the classification, should age, or the single, or married state form the distinction?

Answer. Age.

10th. If age, what the proper periods?

Answer. Between 19 and 21. Young men of this age (it will be admitted) are more susceptible of being disciplined, more capable of performing and enduring active service than men of more advanced years. And to whom, service either in war, or in peace, is attended with the least sacrifice of interest or of feeling; having passed through their course of education, and before they have entered upon avocations, or formed connections, to tie or endear them to their homes.

This description of the militia will be found to compose about $\frac{1}{8}$th of the whole number enrolled; affording a company's command within each regimental district of the regular militia, and would constitute for defence, in every State, as large a force as any emergency of the country will probably ever require. I would propose that they be organized into companies and regiments, with such a staff as may be necessary; and that their discipline may be adequate to the important station they will occupy in the defence of the country, be required to perform a term of duty in camp of about four weeks in two successive seasons, before they are returned again upon the rolls of the regular militia.* By such a process of disciplining, the whole of the regular militia, after the expiration of the first ten years, will have passed through eight weeks of training in camp, have become experimentally acquainted with the duties of a soldier, formed at a period of life when impressions of discipline are most lasting. This system of training

* A return of the first enrolment to be made, say 1st January, 4 months previous to the time of encamping, by the captains of the regular militia, to the officer charged with organizing the class, will consist of all within their respective districts between 19 and 21. By the same time in every year thereafter, parents and guardians be required to return those who have arrived at the age of 19 during the year, to the captain of the district in which they reside, and he (captain) to return the same to the captain of the classed militia of whose district his composes a part. The term of this enrolment not to expire till they shall have passed through two encampments in successive seasons. Though some will be discharged a short time before, and some a short time after they arrive to 21, yet a greater inconvenience would otherwise be experienced by many going off the roll before they had served more than one term, which would be the case with all who arrived to 19, after the annual return was made, and before the time of encamping in the same year.

is active and well calculated to bring into view, by its general operation, young men of military genius, who otherwise might have remained undiscovered in the large mass of an inactive militia, and to whom a command, after the expiration of their term of classification will be both gratifying to them and an acquisition to the corps. That the benefits anticipated by this classification of the militia may be fully realized, it *must* receive support from the pecuniary means of the Government. The officers should receive such pay as would compensate them for their time while employed in camp,* and the privates their rations, or pay in lieu thereof. When thus aided, but little difficulty will be experienced in getting officers qualified to command; and in reconciling the privates (or those who have to feel the inconvenience of their service) to such a course of discipline, which otherwise would present embarrassments in the operation of this system too formidable to be sustained.

It is conceived hardly practicable to hold the militia in any permanent organization of importance to the country without the aid of funds judiciously directed. The fallacy of relying on the States for the voluntary application of their pecuniary means to this object, has been too clearly shewn from the experience of the past, to be looked to in future as a source of dependence. The States entertaining and acting upon different views in relation to this subject, growing no doubt out of a difference in situation and circumstances, will in effect be productive of results equally different. While some may be liberal, others will be sparing, and probably a greater number will afford no support at all. Consequently the degrees of discipline of their respective militia, will be found as various as their means of support.

As the militia compose a part of the force to be employed in the general defence of the country, it would seem expedient that the General Government, who direct their operations in war, should in peace dispense the means necessary for their preparation, affording to all equal advantages, that, when called into the same service, the militia of one State might not be degraded by the superiority of another, nor the disciplined embarrassed in their operations by the want of it in others.

11th. Would it be an improvement to issue commissions only to inferior grades in time of peace? if so, what should be the highest?

Answer. Patriotism or the hope of distinction by military achievements, are not, it is believed, the principal motives which influence men to accept of commissions in the militia in time of peace. Titles, with the seeming importance they give to an officer, particularly when on the field with his command, have also their weight; and the estimation in which they are held depend both upon their relative grade with others, and the facility of acquiring them. I should therefore conclude that were there no commissions issued to the General Officers, the relative rank of the inferior grades would become more elevated, consequently better filled, and productive of more beneficial effects to the militia; for, it is in the lower grades where the greatest inconvenience is experienced from a want of capacity in the officers.

* This system contemplates the encampments to be by regiments.

12th. Is not the period of service for three months only, on one tour, attended with great sacrifice of life and treasure, and productive of inefficiency ?

Answer. Universal experience has proven such are the usual consequences.

13th. If so, to what period might it properly be extended ?

Answer. Eight months would be a reasonable time.

14th. What are the regulations of your State as to training the militia ?

Answer. Companies are mustered from four to six times a year, regiments once, and the officers trained by the Adjutants one day in the year, brigades reviewed by regiments once in three, and divisions once in four years.

15th. From your experience, are frequent musters advantageous to the great body of the militia ?

Answer. The discipline of the great body of the militia can sustain no injury by any change in this respect, as they acquire none under the present mode of training.

16th. Would it be an improvement to confine the instruction to the officers exclusively ?

Answer. When officers are subjected to the duty of privates, without the honor of commanding, as officers, except in active service, there would probably be much difficulty in getting more to accept of commissions, in time of peace, under such circumstances.

17th. Is the system of Infantry Tactics, directed by law, universally pursued ?

Answer. Owing to the high price of the work, it is used only to a limited extent in this State.

18th. What system of exercise and instruction of Artillery have you practised or followed ? What are its defects and remedies ?

Answer. For want of field pieces, the most of the companies in this State, according to the provisions of an act of the Legislature, are trained as Infantry. There are only two companies trained as Artillery. They being recently organized, I have not had an opportunity of ascertaining what system they observe in training, and the State has prescribed none.

The Legislature of the State have prescribed no system of Cavalry Exercise.

I have the honor to be,
Your obedient servant,
BEVERLY DANIEL.
Adj. Gen. of N. Carolina.

EXECUTIVE DEPARTMENT,

Columbia, S. Ca. 22d November, 1826.

SIR: The circulars issued from the War Department, and received by me, have been distributed, as requested, to the most distinguished

Military men in this State, with a request that they would answer the different questions propounded by you, and give all other information that might be deemed valuable. In compliance with that request, I have received from Major General John B. O'Neall the communication herewith enclosed. Others to whom your circulars were sent have not been heard from, but it is supposed that they have made returns to you at Washington.

I have the honor to be,

Respectfully, Sir,

Your obedient servant,

RICHARD J. MANNING.

JAMES BARBOUR, ESQ.

Secretary of War.

SPRINGFIELD, *Nov. 3d*, 1826.

His Excellency RICHARD J. MANNING:

SIR: In compliance with your request, I have considered the questions proposed by the Secretary of War, and give you the result of my reflections.

The number of the effective militia of the State of South Carolina will appear from the return, which will, I presume, be made out and forwarded this Fall. Conjecturing from the returns of the 5th Division, I should suppose the effective strength must exceed forty thousand.

The organization of the militia is in conformity with the act of Congress, and so far as I know. I believe there is a strict compliance, or an attempt to comply with all the requisites of the act. The requisition, as to arms and accoutrements, it is difficult to completely meet. The act requires every citizen, when enrolled, to furnish himself with a musket and bayonet, cartridge box, and knapsack. Muskets and bayonets cannot be procured, and if they could, the citizens would very unwillingly submit to the expense. In consequence of this, shot guns, and rifles, the ordinary arms with which farmers provide themselves, are substituted. Shot pouches, shot bags, and horns, generally supersede cartridge boxes. Within a few years, an attempt has been made to introduce cartridge boxes. The result of the experiment has been, that we have them of all sizes and fashions, and generally so badly constructed as to be of no value for any service. Knapsacks are easily procured, but there is a great aversion to wearing them at musters, and it is wholly impossible to procure uniformity in this article. Any thing which will do to be called a knapsack, is produced, and exhibited to the inspecting officer. An uniformity in arms, which is so essential to correct discipline, can never be obtained until the Government places arms in the hands of the citizen soldiery.

The volunteer militia are much more efficient than the regular. The volunteers are generally composed of select men; their association is

voluntary, and the esprit de corps is calculated to make them emu lous of distinction. They are hence better trained, and have mor reliance on each other. The circumstance of being in uniform, ha also a great effect; it is regarded as a distinction; and it is rare whe individuals or corps are distinguished for or by any thing, that the do not endeavor to equal the expectations which they suppose that dis tinction is calculated to raise. They regard their musters with pride and think them useful and necessary. The regular militia are to much in the habit of regarding their company musters as an irksom duty, which confers no distinction, and is of no value. So that the have the name of mustering, and are exempt from the fine imposed b law, it is all that is desired. By attention on the part of the regi mental officers, a different feeling may be excited, and when once in duced to believe that their musters are of value, and that they ar improving and meriting praise, no troops can be more zealous in th discharge of their duty than the regular militia. Frequent instance have been presented to me, where whole regiments have been brough to a high sense of duty, and were in a state of most excellent training

There is no preference given for entering volunteer corps. Th establishment of volunteer corps does not operate injuriously to th regular militia; on the contrary, I have thought it of great benefit A few volunteer corps in each regiment, generally exhibit a good ex ample of attention to, and improvement in duty; and the effect of th example is to induce imitation. Regiments, without any voluntee militia, always perform worse on review, than those in which volun teer companies are organised. The regular militia cannot be reduce below thirty rank and file in each company. No disadvantage a present occurs to me, from permitting the establishment of voluntee militia. If it was practicable to induce the whole body of the militi to uniform, then volunteer corps would be unnecessary, and might b injurious.

I think the volunteer are about one tenth of the regular militia.

It would certainly promote the efficiency of volunteer corps, t give them the power of making by-laws for their own government This power should not enable them to introduce any change in the du ty required by law, or in the fines to be imposed for delinquencies The government of a volunteer corps requires many regulations which no general law could make. Of its peculiar situation, eac corps would be the best judge, and would be capable to legislate fo itself.

A classification of the militia would be, I am inclined to think, a improvement. From 18 to 35 might be the active, and from 35 to 4 the sedentary. It is between the two first periods, that most improve ment is to be expected. The ambition and activity of youth are bette calculated for excellence in drill, than the prudence and steadiness c age. By the time a man arrives at 35, he will be either well trained or he never can be trained at all. Between the ages of 18 and 35 would generally compose a militia army; beyond that age, if require to go into service, the opportunity of substitution would leave th

greater portion at home. Persons within the ages first mentioned, are those too who could best spare the time to attend drills. If a classification of the militia should ever be attempted, it would be desirable to do away company beats, and that training should be altogether in regiment. Each company in the active class should then consist of 100 rank and file, and they should be permitted to elect their company officers; and promotion, to the grade of Colonel, should be by seniority.

The issuing of commissions to inferior grades alone, I should not suppose could be any improvement. The superior grades are of as much importance, in giving to the Militia efficiency, as the inferior grades. The presence of a field officer at a company, of a general officer at a battalion, or regimental muster, excites emulation: and, their praise or censure, does more good than all the fines, or other punishment, which can be inflicted. It is expected of superior officers that they should be able to correct errors, and give instruction: and hence, if they do their duty, they must be of some value.

The period of service for three months, is certainly too short; and, I think it might, very properly, be extended to twelve. It cannot be expected, that, in three months, men, who are taken from all the different walks of life, can be trained, so as to approximate, in any degree, to regular troops. In that time, they can scarcely become accustomed to the duties of the camp; and are but a step removed from the irregular state, in which they go into service. They cannot, therefore, be as useful in service; and it follows, conclusively, where men are not trained, that it is a sacrifice of lives to bring them into action. The money paid for such a tour, is, too often, money thrown away. I incline to think that twelve months would be a better period; because, three months, at some seasans of the year, would be equally as injurious to a farmer as twelve; and if, for the latter period, the Militia were called into service, all that portion who could not leave home with convenience, would procure substitutes, who, with the training of twelve months, would become excellent soldiers. Again: officers, by serving such a tour, would acquire a knowledge of their duty, which would be not only of great value in action, but also on their return home; and which will be never acquired in three months.

The Militia, in this State, are required to muster in company, at least once in every two months, and in regiment or battalion, twice every year—each regimental muster is to be preceded by one day's drill of the commissioned and non-commissioned officers.

In this State we have not, heretofore, experienced as great advantages from frequent musters, as we may, perhaps, hereafter. I am induced, from experience, to think, that our company musters are of no value. Training, in battalion or regiment, would be better. Instruction to the officers alone could not dispense with musters. An officer needs practice as well as theory. Non-commissioned officers are, to the full extent, as necessary in training, as commissioned officers. That the guides should be well instructed, is, indeed, of more

importance in the performance of evolutions, than the subaltern company officers. I have sometimes supposed, that, if the Militia were compelled to encamp, and muster in battalion or in regiment, twice in every year, for four days at each time, that it would be a great improvement. In all events, if the commissioned and non-commissioned officers of each regiment were compelled to encamp, once in each year, for a period not exceeding six days, it would furnish an opportunity of receiving and communicating instruction, much better than any which we at present possess.

The State furnishes to each officer, a copy of "The Rules and Regulations for the Field Exercise and Manœuvres of Infantry." It is universally pursued. It is hoped the State will, at the ensuing session of the Legislature in December, furnish copies of the revised edition, lately published, under the title of "Infantry Tactics." Until the State does so, it cannot be introduced among the Militia of this State, unless Congress should, by law, authorize it.

There never has been in this State any uniform system of exercise and instruction for Artillery. The officers of Artillery have been left to the exercise of their own judgments, in the selection of a system of exercise and instruction. Hoyt's System of Cavalry Tactics is the one generally adopted.

As the preparation of a system of exercise and instruction for Artillery and Cavalry, is already before a Board of Officers, it is unnecessary that I should attempt to point out any defects, or suggest any remedies.

Your's, respectfully,

JNO. B. O'NEALL.

STATE OF CONNECTICUT,

Litchfield, November 30th, 1826.

The Honorable JAMES BARBOUR,
Secretary of the Department of War of the United States.

SIR: I have already had the honor to acknowledge having received your letter of the 11th of July, 1826, requesting information respecting the organization of the Militia of the State of Connecticut, and its present condition.

On the 14th of August, I sent copies of your communication to the Major Generals, Brigadier Generals, the Adjutant General, and to a few other gentlemen not at present holding official stations, from whom I hoped to derive useful aids, on the interesting subjects of your reference.

The unusual state of the weather in this part of the country has imposed extraordinary burdens on all men of business, which, as I presume, have delayed some of the replies which I expected; but I have thought it best to transmit such as have been hitherto received.

The Militia of this State is at present arranged as follows:—

The General Staff consists of a Captain General; a Lieutenant General, with two Aids de Camp, each; an Adjutant General, with the rank of Brigadier General; a Quartermaster General, with the rank of Lieutenant Colonel; a Commissary General, with the rank of Lieutenant Colonel; a Paymaster General, with the rank of Major; eight Judge Advocates, being one for each County: the whole comprising a General Staff of eighteen. Connected in some measure with this Staff, as being under the special command of the Captain General, there are two Companies of Foot Guards, and two Companies of Horse Guards, which perform special services at Hartford and at New-Haven, at which places the Legislature of the State hold their stated sessions.

The Militia systems adopted by Congress on the 8th of May, 1792, and 12th of May, 1820, were soon adopted, and the rules of discipline in this State, have been conformed thereto, as far as practicable.

The latest perfected General Return which I have received, is dated in November, 1825, a copy of which has, as I presume, been transmitted to the Department of War. No essential alteration can have since occurred. By this return it appears, that the Militia are divided into three Divisions, commanded by Major Generals, with a Staff, consisting of Aids de Camp, Division Inspectors, and Division Quartermasters. The Infantry are distributed into six Brigades, commanded by Brigadier Generals, with a Staff, consisting of Aids de Camp, Brigade Majors and Inspectors, and Quartermasters. The Brigades are divided into twenty-four Regiments, consisting of two Battalions each, commanded by Colonels, Lieutenant Colonels, and Majors, assisted by a Regimental Staff, of Adjutants, Quartermasters, Paymasters, Chaplains, Surgeons, Surgeons' Mates; also, Sergeant-Majors and Quartermaster Sergeants. The Regiments are composed of Companies, commanded by Captains, Lieutenants and Ensigns, who receive commissions from the State. The non-commissioned officers of Companies are, Sergeants and Corporals, to which may be added, Drummers, Fifers, and Buglers. The number, by the last return, of Privates, was 15,707, and with Commissioned and Non-Commissioned Officers, form an aggregate of 20,580 men, enrolled as the Infantry of the State.

The Cavalry are distributed into five Regiments, and twenty-two Companies, and are commanded by Colonels and Majors, Captains, Lieutenants, and Cornets, who are commissioned officers. These Companies, with their non-commissioned officers, form a body of 810 Privates, and an aggregate of 1,124 men. The Cavalry are annexed to the Brigades of Infantry.

The Horse and Light Artillery constitute a separate Corps, and together, form a Brigade, commanded by a Brigadier General, with a Staff similar to the Brigades of Infantry. The Horse Artillery are now formed into eleven Companies, which will perform duty as Cavalry until the state of the Arsenal will admit of their being supplied with Ordnance. The Light Artillery are formed into twenty-eight Companies; each body is formed into three distinct Regiments,

commanded by Colonels, Lieutenant Colonels, Majors, with Captains, Lieutenants, and Ensigns, and with Staff and Non-Commissioned Officers corresponding with the Regiments of Infantry.

The three Regiments of Horse Artillery form an aggregate of 731 men, and the three Regiments of Light Artillery of 1692 men, and both form a Brigadier General's command of 2,423 persons.

The aggregates of the Militia of Connecticut appear from the Return to be arranged as follows :—

The General Staff, - - - - -	20
The Infantry, including the Grenadier, Light Infantry, and Rifle Companies, of enlisted men, - -	20,580
The Cavalry, - - - - -	1,124
The Horse and Light Artillery, - - -	2,423
Total number of enrolled Militia, in November, 1825,	24,147

The enrolled Militia of the Companies of Infantry are the basis of all these formations; every free, able-bodied, white male citizen, who is a resident within the State, (with the exceptions made by acts of Congress, or of this State,) is liable to be enrolled in some one of these companies, from eighteen until he arrives at forty-five years of age. These companies are so located as to embrace the territory of the State.

The companies are numbered according to the dates of their respective formations, which determine their relative rank. On days of regimental or battalion exercise, the rules pointed out in the second article of the twenty-second chapter of the Rules of Discipline established by Congress in their resolutions of March 29th, A. D. 1779, for posting officers to guards, are applied to posting the officers of the battalion companies, and are still retained in the statute of this State. But, by an Act of Assembly, passed in 1824, it is directed that on days of regimental or battalion inspection or review, the companies shall take rank and be posted, according to Scott's system of military tactics, as abridged by Lieutenant Colonel Pierce Darrow.

The companies of what may be called the standing militia are very tenacious of their claims to rank as they were established. They generally prefer to do duty under the command of the officers whom they have elected, and with whose usages and temper they are best acquainted.

The companies of Grenadiers, Light Infantry, Riflemen, Cavalry, Horse Artillery, and Light Artillery, are composed of enlisted men.

The Captain General is not authorized to vary the limits of an established regiment, but he may, as the interests of the militia require, alter the limits of companies, form new companies, and reduce or disband companies, on application for that purpose, although thereby the numbers of companies in different regiments may be increased or diminished. The manner of exercising this authority, is to direct investigations through the agency of the Adjutant General, after consulting the field officers, and the rule of decision is, not to form new companies so as thereby to reduce companies before established, below the complement of sixty four privates for a company.

Appointments to office in the militia, are made in the following manner :—

After due notice from the commanding officer, Sergeants, Corporals, and other officers below the grade of Ensigns and Cornets, are chosen by the companies, and receive warrants from their respective Colonels, who have power to degrade them to the ranks, upon complaint being made and proof of misconduct. Captains, Lieutenants, Ensigns, and Cornets, are also chosen, or rather nominated, by the companies; the returns of company elections are made to the General Assembly, endorsed on the orders issued for the choice of officers, which choice, if approved by the General Assembly, establishes the company election, with the rank of the officer in the line of the militia. The effect of our system, therefore, is, that the rank of company officers is determined by priority of the general order directing the company to be led to a choice, the dates of which are expressed in their commissions, while the rank of the companies which they command, depends on the priority of their organization, which is expressed by numbers, and is permanent.

Field Officers, or those above the rank of company officers, are appointed by the General Assembly without any previous nomination, but they are almost invariably advanced by regular promotions from company officers, according to the dates expressed in their commissions, and never otherwise, except for special causes. The effect is, that a high ambition is excited and preserved, to rise by merit, through the different grades of military rank.

All commissions are issued by the Governor or Captain General, for the time being; and those issued to company officers, express the day from which they respectively take rank. No commissions are issued to Staff Officers, excepting to Brigade Inspectors, who receive commissions, and are considered as Captains in the line of promotion.

The Adjutant General is appointed by the Captain General. The Quartermaster General, Commissary General, and Paymaster General, are appointed by the Senate, on the nomination of the Governor. They give bonds to the Treasurer, with sureties, for the faithful discharge of their trusts.

Provision has been made by law for organising and conducting courts martial. A Judge Advocate is appointed in each county. A written report, containing all the proceedings, is transmitted to the Captain General, who has the power of mitigating or remitting the punishments awarded. The records of all proceedings of courts martial, with the final decisions thereon, are deposited in the office of the Secretary of State.

Litigations respecting questions merely military, are heard and finally terminated by courts martial; claims to complete exemption from militia service are heard and decided by a Judge of the county court.

To this summary view of the organization of the Militia of Connecticut, I have the honor to add copies of the following letters which I have received, since your communication of July, 1826.

No. 1 and No. 2 are copies of letters received from Major General Ebenezer Huntington. This gentleman was a respectable officer of this State, who served in the Continental Army during the whole period of the Revolutionary war, and he served as Adjutant General of this State, from the period when the militia were first organized under the Act of Congress, passed in May, 1792, until June, 1823, when he resigned that office.

No. 3 is a copy of a letter from Major General Amariah Kibbe, Jr. commanding the second Division of Connecticut Militia.

No. 4, is a copy of a letter from Major General Morris Woodruff, commanding the third Division of Connecticut Militia.

No. 5 is a copy of a letter from Brigadier General Andrew Welles of the fifth Brigade, annexed to the second division of Connecticut Militia.

The experience and military rank of these gentlemen entitle their opinions to great respect in all arrangements affecting the Militia, and which must necessarily be interesting to all the active and efficient population of this country.

If still more minute information is desired, it will be found in the statutes of this State, which are, by law, directed to be transmitted by the Secretary, to the Heads of the respective Departments of the Government of the United States.

An examination of our statutes will show, that our Militia laws are regulated by a precise system of legislation. adapted to the experience and habits of the people from an early period. The Militia of this State are now as tranquil as at any period I have known. Their conduct and their rights are regulated by practical rules, which have been carefully settled, and, as far as my knowledge extends, generally satisfactory. So far as my agency has extended, it has been my endeavour to render these rules strictly impartial and uniform. The mode of posting companies on days of regimental and battalion inspection and review, which was established in 1824, has not yet been universally or perhaps generally introduced, and it has occasioned some discontents. The want of Ordnance to complete the equipments of the Horse Artillery is felt as a deficiency. Application has been made to the Ordnance Department of the United States, for *cannon*, which were proposed to be received in lieu of *muskets*, in the distributions authorized for the use of the Militia, but the answer was, that the request could not *then* be granted.

The period during which men are required to be enrolled in the Militia might, in my opinion, be reduced, without diminishing the efficiency of the Militia. Little or nothing is gained in military knowledge, by men above thirty five years of age, who train in companies, the officers of which are their sons, or greatly their juniors in life. Any mode of *classification* would introduce distinctions opposed by public sentiment. and which of consequence would reduce the energy of the Militia, and render our system more complex. This complexity would multiply the details of administration, and might lead to dangerous collisions of public opinion.

In devising a system for "*organizing, arming, and disciplining the Militia,*" it is necessary, in my opinion, to establish definite ideas of what is intended or desired from a *militia system*, and to consider how far changes can be introduced, without impairing the energy which now exists on the one hand, or converting the *Militia* into a *regular army* on the other, requiring a great expenditure for its support.

My remarks will be confined to the *Militia* of *Connecticut*, where the men are required by law and are in fact assembled annually, several times, for *company exercise*, and once in each year in *battalions or regiments*, when they belong to regiments of infantry or cavalry. They are at present armed, equipped, and generally clothed in decent uniforms, all of which are provided at their own expense. Their arms are sufficient for common exercises and for ordinary service. Arms equal to any in the United States are deposited in the arsenal, ready to be issued on extraordinary occasions. Places for *parade* are established, where companies assemble. The men all know *each other* and know their *Officers*. *Standards* and *military music* are provided; *military spirit* and ambition are excited by encouraging a *company spirit*. This spirit is extended to *Battalions and Regiments*, and in a very considerable degree to *Brigades*. The men universally understand the use of their *arms* and common *evolutions* and *tactics* in such a degree, as to enable them to form and preserve a regular line. A knowledge of military science and tactics is gradually extending and improving. Inequalities and deficiencies unquestionably exist in different companies and regiments, but these are, I believe, diminishing. When different corps assemble, excellencies and deficiencies are noticed, and praise or blame are awarded by military commendation, and by impartial decisions of public sentiment. I have endeavoured not to exaggerate the acquirements of our Militia, but it is my firm opinion, that, though *particular Corps* in other States may be superior to ours, yet that, *taken as a whole*, the Militia of no State in the Union excel those of Connecticut, in order, equipment, or efficiency, and that any essential changes, especially such as would require *new arrangements* and *organizations* of the body, would endanger the present system.

I will readily admit that our Militia, taken by entire companies or corps, or even by detachments from them, would not constitute an *Army, which could remain long in the field*, in opposition to *veterans*, without an entire recomposition and new arrangement. A veteran soldier must be formed to different habits and character from a member of the militia. In particular, he must be able to live in tents or barracks; to prepare and preserve his food, his clothing, and his arms; and submit, in all respects, to a strict and exact regimen, without inquiring or seeking to know, or perhaps understand the reasons of those movements by which his conduct is regulated The opinion which I wish to communicate is, that, although the Militia of this State constitute the best materials for *forming* an *Army*, they are not at present an *Army*, capable of long continued service in the field, and

that no extra labors or expense ought to be imposed on them, without an ample compensation for their privations and the interruption of their industry.

I have the honor to be,
With great respect, Sir,
Your obt. Servant.
OLIVER WOLCOTT.

No. 1.

Norwich, 2d September, 1826.

His Excellency Gov. WOLCOTT:

SIR: I have the honor to transmit herewith to your Excellency my replies to the questions proposed by the Hon. Secretary of War, in a circular to the Governors of the respective States and Territories, under date of the 11th July, accompanied by your Excellency's favor of the 14th August, which came duly to hand.

On the question respecting Volunteer Corps, the classification of the Militia, and the length of time for continuing detached troops in the field, I found it desirable to state the reasons which led me to my conclusions, in doing which, I *may* have extended my remarks further than was expected, from the manner adopted by the Secretary in making the inquiry. Your Excellency will perceive in my reply to the 1st question of the Secretary, that I have referred to the last perfected returns in the Office of the Adjutant General, and to the 2d and 14th, I have been obliged to refer to the present existing Militia Laws, (not possessing the information asked for.)

On the subject of Cavalry, I have more than once suggested to your Excellency my opinion, that too large a proportion of Cavalry is permitted in the organization of the Militia of this State, and manifestly injurious to the great body of the Militia. Most freely I ackowledge that the men composing the Cavalry are some of the best of our citizens for any and every kind of military duty, but, doing duty on horseback, are completely useless in a military point of view. The uneven surface of our State, divided into hills, mountains, and dales, our enclosures being generally small, and surrounded with high stone fence, present obstacles to any considerable body of Cavalry, but to our Cavalry difficulties *insuperable*, from being permitted to use so poor a quality of horses.

To oppose an invasion by water, they are of no use, being armed with swords and pistols; but, if furnished with muskets, and doing duty as Infantry, or, if furnished with field pieces, and doing duty as horse-artillery, would be useful—particularly so, as horse-artillery; but I think the two regiments of Horse-artillery a full proportion of that description of troops, for the few regiments of Infantry

in this State. I think that one company of Cavalry of sixty privates, attached to each brigade, would be useful as videttes, patroles, or expresses, but a greater number useless. The *one* company from a brigade might be filled with good men, and *well mounted on horses owned by themselves*, which is not the case with our present Cavalry. However useful Cavalry may be in open champaigne country, they are useless in garrison or in a siege, and their expense more than double the expense of Infantry. If at any future period any increase of that description of troops should be deemed necessary, they might be augmented very speedily, and to almost any extent.

I think that four companies should, as at present, compose a battallion of Artillery, but should give a decided preference to their being attached by battalion to each brigade, than formed into regiments, and brigaded by themselves. The Artillery companies are spread over the State; of course their dispersed situation prevents any contemplated advantage in *their muster by regiments*, without great inconvenience and expense to both Officers and men, which deters many from enlisting through fear of the expense attending the Assembling large bodies for parade, and I apprehend their usefulness and efficiency would be increased by attaching them to brigades by battalion commanded by a Major, the best possible organization for Militia Artillery. If in the field, they can be assembled into larger bodies if wanted, or co-operate with Horse Artillery when necessary.

I believe your Excellency is well acquainted with the fact, that, from the constant emigration of our Military population to the western States, from the migration from one part of the State to another, by deaths, by resignations, by being superseded, by judgments of Court Martials, and other causes; that, annually, the Legislature has to issue about three hundred new commissions, which is an evil, and, if possible, ought to be prevented. If your Excellency can suggest any mode to remedy the evil, it certainly would be very desirable.

If the regulations in Scott's system of Tactics had permitted the same permanent rank to companies according to their date of being *created or raised* as they have permitted to regiments, it would be attended with good effects, and prevented much heart burning in the Militia. However proper and useful among enlisted men in the Army. it is very inconvenient to located and enlisted Militia companies, and is the source of unpleasant dispute at every muster of a regiment. I will close my long remarks, barely observing that a large proportion of our military population are poor, and every requirement which creates expense to them is displeasing, and serves to render Militia duty irksome; it is therefore desirable to relieve them from *any* and every unnecessary expense in accomplishing the great object, (their country's best good) without lessening their efficiency.

I am, with great respect and esteem,
Your Excellency's obt. Servant,
EBEN. HUNTINGTON.

His Excellency Gov. WOLCOTT.

No. 2.

His Excellency Governor Wolcott:

SIR: The first question stated by the Hon. the Secretary, viz. "What is the number of the Militia?" I reply, *I do not know;* but the last perfected returns of the Militia will furnish an answer.

2d Inquiry. "Are they organized in strict conformity to the law of Congress? If they differ—in what?" I answer, I do not possess the laws of this State, passed by the Legislature to carry into effect the laws of Congress respecting the militia, and am unable to answer the first or last part of the question.

Question 3d. "Are the regular or volunteer militia most efficient?" *Answer.* Using the word "volunteers" only as applicable to the light infantry and rifle corps, (excluding artillery and cavalry) they are decidedly the most efficient, having seen both descriptions in service during the last war.

Question 4th "Is there a preference given for entering volunteer corps?" *Answer.* No preference is given, excepting the privilege of enlisting from the *located militia companies,* not thereby reducing any located company below their legal complement of sixty-four rank and file, which has hitherto been found an inducement sufficient to enable the captains, both of the rifle and flank companies, to enlist their full proportion in numbers; and in point of soldierly qualifications, a decided superiority.

Question 5th. Does the establishment of the volunteer militia operate injuriously on the regular militia?" *Answer.* The men enlisted from the militia, generally, are more ambitious and enterprising than those left in the located companies, and consequently their efficiency is in some degree impaired.

Question 6th. "What proportion do the volunteers bear to the regular militia?" *Answer.* During the last ten or twenty years of my service as Adjutant General of this State, the proportion was generally about one fifth; and at this time, I should suppose, rather exceeded it, excluding those composing the artillery and cavalry.

Question 7th. "Would it promote the efficiency of the volunteer corps, if they had the power by law, of making *by-laws* for their own government?" *Answer.* I think not: some few companies have been formerly clothed with that power, and in its use have reduced their numbers, and left an unfavorable impression on the minds of the militia, from whom enlistments could not be made to join them, and have eventually been dissolved and amalgamated with the militia. I believe, if the officers of the volunteers are judicious in making their enlistments from the *ambitious young aspirants,* it will invariably secure them a full proportion in numbers, and a preference in efficiency over the located militia companies.

Questions 8th, 9th, and 10th. On the subject of classification, I have found it convenient to consider these questions under one head, and thus viewing them conjointly. *Answer.* Public feeling and sentiment is generally against it, and by some its constitutionality questioned; how far that should influence the General Government in its delibera-

tion and decision, is exclusively for them to determine. I proceed to view the subject as connected with the efficiency, and best interest of the militia generally. A designation or division of the militia into two classes, making the married population form one and the unmarried form the other, would probably form them nearly equal in numbers, but *possibly* the married part of the military population might be the most numerous borne on the rolls.

If formed into two classes, one called the *active*, the other the *sedentary*, each description would require organization, or both remain under their present officers, or the *active* be organized at the time when their services would be called for.

The located militia companies generally, except in a few of our larger towns, (having a dense population) embrace a district of country of four or five square miles, (in some instances, even to six) yet by enlistments from them for light infantry, rifle corps, cavalry, and artillery, are rarely able to have on parade for company or regimental duty, more than forty privates. But few of the companies are able to furnish suitable materials for officers and non-commissioned officers for one company, (forming my judgment from their performance of parade duty) and if divided into two classes would ruin both. If classification should be by age, the period from eighteen to twenty-four or twenty-five years of age inclusive, I think would probably nearly equalize both parts of the company in numbers, and would be preferable to dividing the married from the unmarried, but cannot believe much saving of *expense* would be made to the United States from or by classing the militia.

Question 11*th* "Would it be an improvement to issue commissions only to inferior grades in time of peace? if so, what should be the highest?" *Answer*. I believe the militia should be formed into companies, regiments, brigades, and divisions, and all officers commissioned, from the Ensign to the Major General.

Question 12*th*. "Is not the period of service for three months only, on one tour, attended with great sacrifice of life and treasure, and productive of inefficiency?" *Answer*. I have no doubt but a saving of expense might be made by detaching for a longer period, but I doubt whether any saving of time could take place by a longer period, though the efficiency of the detached body could not but be increased from length of service. But, in opposition to the expediency of detaching for a longer period, the great injury to the individuals detached, the injury to the respective States by calling their farmers from the field, their laborers from their employment, their mechanicks and their manufacturers from their regular pursuits, and others from their social duties, would create a loss to the respective States of double the amount saved to the United States.

A tour of three months, if due diligence is used, would enable the United States, probably, to relieve the detachment by enlisted men; if not, they might be relieved by a second detachment for three months, at the expiration of whose term enlisted men might be procured. I am of the opinion that the period of three months for one time for de-

tached troops, ought not to be extended. For the purpose of executing the laws of the Union, suppressing insurrection, and repelling invasion, I should suppose a tour of three months abundantly long for any detachment from the militia, and nothing but imperious necessity would justify their continuance even to that period, considering the sacrifice made by those detached.

Question 13*th*. Answered in replying to the 12th.

Question 14*th*. What are the regulations in your State as to training the Militia?

Answer. The present existing regulations are not within my knowledge. I presume, therefore, to refer to the law for the information.

Question 15*th*. From your experience, are frequent musters advantageous to the great body of the Militia?

Answer. Presuming the musters intended by the honorable Secretary to mean *regimental musters*, or *musters by battalion*, not company musters, I think they are but of very little use, as generally conducted; but, if mustered and inspected by regiment once in two years, and by battalion every intervening year, by a Brigade Inspector *well qualified* to perform the duties of his office, rigidly to inspect the men, their uniform directed by law, their equipments, their movements and manœuvres—I think it would have much effect to produce efficiency if called to the field; but, as conducted at present, are of no benefit to the soldiers, or any body else, merely affording a *red-letter day*, or day of dissipation to the vicinity of the parade ground. The same remarks will apply to the musters of companies in some small, but in a less degree.

Question 16*th*. Would it be an improvement to confine the instruction to the officers exclusively?

Answer. I think it expedient that instruction should be given to the men, as well as to the officers.

Question 17*th*. Is the system of Infantry tactics, directed by law, universally pursued?

Answer. From some movements I have seen performed by the Militia when under arms, I apprehend the tactics are neither universally practised, or universally known; but, in general, practised where known.

Question 18*th*. What system of exercise and instruction of Artillery have you practised or followed? What are its defects and remedies?

Answer. I am totally unable to give the information asked for.

Question 19*th*. What system of Cavalry tactics have you adopted? What are its defects and remedies?

Answer. I believe the prevailing system in the sword exercise and evolutions of the Cavalry, are from a system introduced from Massachusetts, I believe called *Hughes' System*; but, I am not versed in the system, or acquainted with its defects or merits.

Respectfully, your humble servant,

EBEN'R HUNTINGTON.

Since the enclosed was finished, I am informed by a field officer of the Artillery corps, that the system of exercise and instruction practised by this State's corps, has been compiled by Pierce Darrow, and established by a law of this State, for their use.

EBEN'R HUNTINGTON.

No. 3.

SOMERS, *October* 31, *A. D.* 1826.

SIR: In reply to your communication of the 14th of August ult. I would submit the following considerations, as answers to the interrogatories therein contained.

Question 1*st*. What is the number of your Militia?

Answer. The annual returns will decide the question.

Question 2*d*. Are they organized in strict conformity to the law of Congress? If they differ—in what?

Answer. I believe the Militia of this State are organized in exact conformity to the law of Congress.

Question 3*d*. Are the regular, or volunteer Militia most efficient?

Answer. In their physical force, there can be no difference—the only difference between different corps must arise from military instruction, discipline, and experience. In independent companies there may be more intelligence, more pride, and more ambition, as they are a select corps; but, it is very doubtful, whether they possess more bravery, or are better qualified to endure the fatigues of a campaign.

Question 4*th*. Is there a preference given for entering volunteer corps?

Answer. The volunteer corps are generally associations of young men possessing wealth, intelligence, and martial spirit, and actuated by an ambition to excel in discipline, arms, and equipments—but they enjoy no preference.

Question 5*th*. Does the establishment of the volunteer Militia operate injuriously on the regular Militia?

Answer. As far as it deprives the regular Militia of young men of pride, ambition, wealth, and intelligence, so far it will operate to their injury; but, a select corps, so far as they serve as a model for imitation and perfection in military discipline, may prove beneficial to the interests of the Militia generally.

Question 6*th*. What proportion do the volunteers bear to the regular Militia?

Answer. The annual returns will decide the question.

Question 7*th*. Would it promote the efficiency of volunteer corps, if they had the power, by law, of making by-laws for their own government?

Answer. Any special privilege given by law to one corps of Militia above another, would create distrust, jealousy, and contention, between

the different corps, and destroy that harmony which ought to exist under a Militia system, where every soldier is entitled to an equality of privilege and right.

Question 8th. Would a classification of the Militia be an improvement—one to be called the active, the other the sedentary?

Answer. A classification of the Militia, if judiciously made, might be beneficial; but, the benefit to be derived, would depend upon ulterior operations. If a portion of our Militia were selected, and subjected to rigorous discipline, camp duty, the structure of fortifications, and the arts of war generally, it would add to the strength of our country, and present a more formidable barrier against foreign encroachments.

Question 9th. In making the classification, should age, or the single or married state form the distinction?

Answer. The proper criterion would be age.

Question 10th. If age—what the period?

Answer. From 18 to 35, from 36 to 45.

Question 11th. Would it be an improvement to issue commissions only to inferior grades in time of peace—if so, what should be the highest?

Answer. Every commission should be issued in time of peace, which is necessary in time of war. Under the present system, the present grades cannot be dispensed with, and a line of promotion is indispensably necessary to excite ambition and preserve a martial spirit—the moment the idea of promotion is lost, the fire of the soldier becomes extinct.

Question 12th. Is not the period of service for three months only on one tour attended with great sacrifices of life and treasure, and productive of inefficiency?

Answer. A tour of three months is too short for a new recruit to acquire the science of the art of war; of course, so short a tour cannot render a soldier profitable to the Government.

Question 13th. If so, to what period might it be properly extended?

Answer. Six months at least.

Question 14th. What are the regulations of your State, as to training the Militia?

Answer. The statute of the State regulates the subject.

Question 15th. From your experience, are frequent musters advantageous to the great body of the Militia?

Answer. The Militia ought to be mustered so often as to preserve a military spirit, to become habituated to arms, and acquainted with discipline. Unless arms and equipments are often inspected, they will become impaired and useless. Unless the troops are often reviewed, they will not be ambitious to excel in arms, or become adepts in military science.

Question 16th. Would it be an improvement to confine the instruction to the officers exclusively?

Answer. The Militia generally ought to be instructed in the science of arms and the art of war, and in the relative duties of a soldier.

The officers ought to be instructed in the duties of the camp and field —otherwise, they can never be properly qualified to take the command of an army: a successful campaign can never be performed without these qualifications. More lives are generally lost from the ignorance of officers on these subjects, than by the sword.

Question 17*th*. Is the system of Infantry tactics directed by law, universally pursued?

Answer. It is generally, in the second division.

Question 18*th*. What system of exercise and instruction of Artillery have you practised or followed? What are its defects and remedies?

That question will be best answered by the officers of that corps.

Question 19*th*. What system of Cavalry tactics have you adopted? What are its remedies and defects?

Answer. We have adopted Scott's system, as revised by Darrow.

I remain, Sir, with profound respect,

Your humble servant,

AMARIAH KIBBE, Jr.

Maj. Gen. 2d Division Conn. Militia.

His Excellency OLIVER WOLCOTT.

No. 4.

LITCHFIELD, 31*st October*, 1826.

SIR: I have the honor to acknowledge the receipt of your Excellency's communication, dated the 14th August, 1826, accompanied with a letter to your Excellency from the Hon. Secretary of the War Department.

My own ill health, and a severe sickness experienced by several of the members of my family, has prevented an earlier reply, and has also prevented my bestowing that attention to the subjects mentioned in the Secretary's letter, which their importance demands.

To the first inquiry, I answer, that I have not, at present, the means of ascertaining the exact number of the militia in this State.

To the second: I believe, by the laws of this State, the militia are organized in strict conformity to the law of Congress.

To the third: In answer to this inquiry, and others which relate to the same subject, I shall go on the ground, that what would, in this State, be termed the Volunteer Militia, would embrace the light infantry, grenadier companies, &c. which are attached to the several regiments of infantry, and are termed flank companies; and that what is to be understood by Regular Militia, are those belonging to those companies termed battalion companies.

I believe, therefore, that the volunteer militia are the most efficient.

The volunteer companies are, almost without exception, better equipped and better disciplined, than are the battalion companies; consequently, more efficient.

To the fourth: There is not any preference given to individuals for entering volunteer corps. The volunteer companies have a preference in point of rank.

To the fifth: I am of the opinion that the establishment of volunteer militia does not, on the whole, operate injuriously on the regular militia. I am aware that it very often takes from the regular militia smart, active, ambitious men, who are well qualified for office, and who would be of service to any company; it also takes from the regular militia, and that frequently, men who, from some cause, have become disaffected, and, consequently, of very little or no service to the regular militia, but rather injurious, as their influence is often exerted to pull down, rather than build up, a company. These men, however, on becoming, from choice, members of a volunteer company, often make the best of soldiers. Again; the example set by the volunteer militia has a very salutary effect upon the regular militia. The superiority of their dress, equipments, and discipline, furnish an example worthy of imitation, and tend to excite in the breast of the regular militia a laudable spirit of ambition and emulation highly salutary. The volunteer militia, so far as my observation extends, furnish pretty conclusive evidence that "the militia may be trained to a degree of energy equal to every military exigency of the United States;" and the principal reason why the volunteer hold a superiority over the regular militia, I have no doubt, is to be attributed to the superior knowledge generally possessed by the officers of the volunteer companies over those belonging to the battalion companies. Were the officers of our militia generally well instructed, there would, I apprehend, be very little difference between volunteer and regular militia, in point of efficiency. As the efficiency of a corps of troops depends almost altogether upon their discipline, and that, without officers suitably instructed, it is idle to think of discipline, would it not be well to have measures adopted by which officers may be instructed?

To the sixth, I answer, that I am uninformed, in relation to the proportion.

To the seventh: I do not perceive that the efficiency of the volunteer corps would at all be promoted by having the power of making by-laws for their own regulations; at all events, I do not conceive that they would be more benefitted than would be the regular militia. I therefore do not see any good reason for making, in this particular, a distinction between them.

To the eighth: If, by classing the militia, it is intended that the active only shall be called upon to perform the ordinary military duty, I think a classification of the militia would *not* be an improvement. In my view, it is very important that every person, liable by law to perform military duty, should not only equip himself according to law, but should also devote at least as *much* time to qualify himself in the use of arms, as he is now, by law, required to do. By doing this, he becomes in a good degree acquainted with the duties of a soldier; and the semi-annual inspection of his arms and equip-

ments, to wit: on the first Monday in May, by the commanding officer of the company, and in the month of September or October, by the Brigade Inspector, furnish strong inducements to every person, liable by law to perform military duty, to arm and equip himself as the law directs.

To the ninth, I answer that, if the militia are to be classed, I think age ought to form the distinction. Should the class to be denominated *active* be confined to the unmarried men, the number of our active militia I think would be quite too small.

To the tenth: If age is to form the distinction, I think from 18 to 35 should constitute the active, and from 35 to 45 the sedentary class.

To the eleventh: I think that the issuing commissions in time of peace to inferior grades only, would have a tendency to dampen the military ardor and ambition of men qualified to hold offices in the militia; consequently, have an injurious effect upon the militia generally.

If it should be deemed important to have the militia reviewed and inspected, it would, in my opinion, be attended with better effect to have them reviewed by an officer of as high grade as that of Brigadier General, than by one of a lower grade; and that it is highly beneficial to have them inspected by a Brigade Inspector, I think there can be no doubt.

To the 12th and 13th: I answer, that my own inexperience upon the subjects embraced in these inquiries, render it impossible for me to state.

To the 14th: By the laws of this State, it is made the duty of each commanding officer of a company to order out his company two days in each year, not less than six hours in each day, (one day in the month of May, and one day in the month of September or October) and instruct them in the use of arms, and in the discipline of war; and, on the first Monday in May, in each year, to cause all the arms, ammunition, and equipments, to be inspected. The commanding officers of each regiment of cavalry and infantry, are directed to call out their respective regiments for exercise and inspection and review, once in each year; at which time, the regiments are inspected by the Brigade Inspector, and reviewed by the General of Brigade. This is done in the month of September or October.

The regiments of artillery are called out under the direction of the Brigadier General of that corps.

To the 15th: I answer, that, so far as my observation extends, frequent musters, viz: annual reviews and inspection by regiment or brigade, are of very great utility. The frequent assembling together all the companies belonging to a regiment; the remarks which, on such occasions, are often made by the Brigade Inspectors to the several companies; the observations made by the spectators who attend on those occasions; and the comparisons and distinctions made by the reviewing officer, all tend to excite a degree of emulation and laudable ambition among the several companies highly beneficial. Experience has shown, in this State at least, that annual reviews, or musters, are calculated to improve the arms, equipments, and discipline of the militia.

To the 16th: As I have remarked, in my answer to the 5th question, I believe some method ought to be adopted, whereby officers might be more thoroughly and suitably instructed; yet, I think that the instruction ought not to be confined exclusively to them.

To the 17th: I believe, (notwithstanding the law of this State directs that the system of infantry tactics, directed by the law of Congress, shall be pursued by the militia of this State,) that there are still some few companies, and perhaps regiments, who have not yet adopted that system. Those instances, however, I believe are rare.

To the 18th and 19th: I answer, that I do not consider myself capable of conveying any useful information, in relation to the subjects proposed by the 18th and 19th questions.

With the greatest consideration and respect, I have the honor to be, your Excellency's most obedient servant,

MORRIS WOODRUFF.

His Excellency OLIVER WOLCOTT,

Captain General of the Militia of the State of Connecticut.

No. 5.

Hebron, Oct. 28th, 1826.

SIR: Your favor of the 14th of August ult. was duly received, and, in compliance with your Excellency's request, I shall briefly answer *some* of the questions contained therein, and not having the means of replying to the others, I shall pass over them in silence.

To the 3d, then, I answer, I know no difference.

To the 5th, - - in the affirmative.

To the 7th, - - in the negative.

To the 8th, - - I think not.

To the 9th, - - But if a classification should be made, age certainly ought to form the distinction.

To the 10th, - - from sixteen to forty years.

To the 11th, - - in the negative.

To the 12th, - - in the affirmative.

To the 13th, - - six months.

To the 15th, - - in the negative.

To the 17th, - - generally, in my brigade.

To the 19th, - - The system prescribed by law.—No particular defects have been discovered in it, but a want of discipline renders the troops inefficient.

I am satisfied that the militia laws of the United States ought to be revised, and a different mode pursued in training the militia. I would call out the officers and music six days in succession every year, by regiments, to be under the immediate command of the commandant thereof, and to be inspected on the last of said days by the Brigadier General; the corps to mount guard and attend strictly to the whole

round of regular service. Rations to be furnished for the beforementioned time by the State or United States. I would also call out the whole militia one day in each year, by companies, under the command of their Captains, to be by them inspected and drilled not less than six hours on said day.

A full and complete return of all subjects of military duty shall be made out by the commandants of companies, and by them certified, upon honor, and transmitted to the Adjutants of their respective regiments, whose duty it shall be to furnish the return of regimental officers, and transmit the same to the Adjutant General of the State, in the manner now by law provided.

I am of opinion that the militia ought to be reduced to one class or species, (viz) infantry, and the companies so located as to make the least possible travel from their respective homes.

The present extensive limits of enlisted companies, and some others, *(flood wood companies)* many of the soldiers elude the vigilance of their officers, and deprive the country of their service.

And the present variety of character of the militia, with the invidious distinctions that thoughtless officers make, their meeting is *rendered useless* and *sometimes dangerous*, by bringing into collision soldiers whose passions are inflamed with ardent spirits, and their hands furnished with deadly weapons.

With sentiments of the highest respect and esteem, I have the honor to subscribe myself your Excellency's most obedient servant.

ANDREW WELLES.

His Excellency OLIVER WOLCOTT.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, 10*th August*, 1826.

SIR: I have returned a circular with a brief answer to each question, supposing it to be most conformable to your wishes.—In addition, I take the liberty to observe that a classification of the militia is very desirable. By a late order of the Commander-in-Chief of this State, a return has been furnished of the militia as classed between the ages of eighteen and twenty-five, twenty-five and thirty-five, thirty-five and forty-five, which discloses the important fact, that in our climate at least, the young men between eighteen and twenty-five are in the proportion of one third more numerous than the second class, and in still greater proportion more numerous than the third class. So that, adopting the classification of the Georgia militia as a standard by which to ascertain the whole number of the militia of the United States embraced in the first class, you would have between 4 and 500-000 men between the ages of eighteen and twenty-five, a force greater than any war, either offensive or defensive, would be likely to demand, and which would not only enable you to dispense with the services of those above twenty-five, but, in consequence of such dispensation, to

arm and equip and discipline the most hardy and warlike of the population, in such a manner as to make them in all respects as efficient and formidable as regular troops. A uniform clothing and equipment, with martial music, unimportant as they may seem to those unacquainted with the profession of arms, are deemed essential to either a good organization or a good discipline.

The residue of the male population above the age of twenty-five, might be simply organized and reserved as a class for extraordinary emergence, or, if released altogether from military service, may be made to contribute, under State regulations, extra services, either in the shape of moneyed contributions, labor upon the highways, or exclusive service upon juries, &c. &c.

If the States would form schools for the instruction of officers for the military class, a regular system of promotion could be established with advantage, and a monthly training by companies, and a quarterly training by battalion, would suffice to accomplish them in field exercises. A good system of artillery and cavalry tactics is much wanted.

I have the honor to be, very respectfully,

G. M. TROUP.

Hon, JAMES BARBOUR,
Secretary of War.

WAR DEPARTMENT, *July* 11*th*, 1826.

SIR: Among the political maxims which the experience of the People of the United States has adopted as unquestionable, there is no one more universally subscribed to, than that a well organized and a well disciplined militia is the natural defence of a Free People. Uniting most sincerely in common with my fellow citizens in this opinion, I am anxious to see a system adopted by the National Legislature, which will realize the hopes of us all, in reference to this great arm of national defence.

By a resolution of Congress, at their last session, I am enjoined to cause to be prepared a complete system of cavalry tactics; and, also, a system of exercise and instruction of field artillery, including manœuvres for light or horse artillery, for the use of the militia of the United States; to be reported for consideration or adoption by Congress at its next session.

The wisdom of this measure is made manifest by the objects, which are two-fold; first, the establishment of the best system; and, secondly, that it shall be uniform. The importance of the last is scarcely inferior to the first; for who can well appreciate the inconveniences resulting from different systems in the same army? the militia differing among themselves, as also with the regular army, with which they may be called to act; and yet it is, I believe, too true, that but little uniformity prevails; if practicable this defect must be removed.

I am duly sensible how difficult it is to establish a uniform system. The difference of condition, physical and moral, in the different States, and the preferences which each has for that which from time they have been accustomed to, present serious obstacles to a homogeneous system throughout all the States, yet I would fain hope not insurmountable.

All our national institutions, and much of our legislation, are founded in that mutual spirit of deference and forbearance which have so signally distinguished the People of these States, and therefore one may indulge the hope, that, in an object of such vital importance as a well regulated militia, minor objections will be sacrificed to the attainment of so great a good.

To enable me to execute the duty assigned me by Congress, it is most desirable that I should acquire all the information within my reach, and while so doing, the opportunity seems a seasonable one, to ascertain the different systems, both of organization and instruction, which prevail in each State; and, also, the defects and remedies which observation and judgment may have suggested, that, by a comparison, a system may be extracted which will, most probably, unite the greatest number in its favor; which system, when matured, will be submitted to the wisdom of Congress, who have had for several sessions this interesting subject under consideration, and who are alone competent to apply some of the remedies required; a portion of the control over this subject being retained by the States. It is with this view that I address you, as also the Governor of each of the States and Territories, and such distinguished citizens known to me, from whose experience I expect to derive much valuable information.

To this end I beg to submit the following questions:

1st. What is the number of your militia? *Answer*—"Forty thousand."

2d. Are they organized in strict conformity to the law of Congress? If they differ—in what? "Yes."

3d. Are the regular or volunteer militia most efficient? "Volunteers."

4th. Is there a preference given for entering volunteer corps? "None."

5th. Does the establishment of the volunteer militia operate injuriously on the regular militia? "No."

6th. What proportion do the volunteers bear to the regular militia? "One to ten."

7th. Would it promote the efficiency of volunteer corps if they had the power by law of making by-laws for their own government? "They have that power."

8th. Would a classification of the militia be an improvement; one to be called the *active*, the other the *sedentary*? "Yes."

9th. In making the classification, should age, or the single or married state form the distinction? "Age."

10th. If age, what the proper periods? "Eighteen to twenty-five, thirty-five, and forty-five."

11th. Would it be an improvement to issue commissions only to inferior grades, in time of peace? if so, what should be the highest? "Not understood."

12th. Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency? "Yes."

13th. If so, to what period might it be properly extended? "To twelve months."

14th. What are the regulations of your State, as to training the militia? "A copy of the militia law is enclosed."

15th. From your experience, are frequent musters advantageous to the great body of the militia? "They have their advantages, and would have more if the militia were classed, and uniformed, and armed."

16th. Would it be an improvement to confine the instruction to the officers exclusively? "Not exclusively, but in connexion with the training of the troops as practised in this State, on separate days."

17th. Is the system of *Infantry* tactics, directed by law, universally pursued? "The system of infantry tactics of the United States is established by order of the Commander-in-Chief, for the government of the troops."

18th. What system of exercise and instruction of artillery have you practised or followed what are its defects and remedies?

19th. What system of cavalry tactics have you adopted? what are its defects and remedies? "We have no uniform and established system of artillery or cavalry tactics"

As from some of the States and Territories returns of the militia have not been made, the first of these queries became necessary in a general letter.

Although the training of the militia is confided to the States, it is important that their regulations in this particular should be known at this Department, and it will be attended with good effects, that the system of each should be known by all the States.

If any thing suggests itself worthy of communication, though not called for by any particular question, it will be highly acceptable.

As in your State, I doubt not, you have many citizens unknown to me, whose information and experience would be very valuable. I have presumed so far on your goodness as to ask you to direct and forward the enclosed letters to persons of that description.

I have to beg your earliest attention to this subject, as a Board will be immediately convened to perform the specific duties assigned me. To this Board I shall unite one or more militia officers.

I have further to request that the correspondence which may be addressed to me on these subjects may be endorsed "Militia Service."

With the greatest consideration and respect,

I have the honor to be,

Your most obedient servant,

JAMES BARBOUR.

JACKSON, MISSISSIPPI, *September* 26, 1826.

SIR: Your circular of the 11th of July, addressed to his Excellency David Holmes, as Governor of the State of Mississippi, has been received. From bad health his Excellency has resigned that office, and it has devolved upon me as Lieutenant Governor.

I feel with solicitude the importance of the subject, and coincide with you as to the necessity of establishing an uniform system for the organization and discipline of the Militia of the United States. I have no hesitation in saying that whatever system may be adopted by Congress will be promptly supported by the Legislature of Mississippi, and with pleasure I comply with your request, by giving you my views in a concise manner. I shall number my answers to correspond with your inquiries. I have transmitted one of your circulars to Major General Toor, the other to Major General Winston. From the interest the former has ever manifested for the militia, I anticipate he will be able to give you much useful information.

ANSWERS.

1. For the want of an Inspector General, whose duty it would be to attend particularly to the returns of our militia, they are so irregular and incorrect, that it is not in my power to give you such a precise statement of their strength as I desire; but feel warranted in estimating the number of the militia of the State of Mississippi at between ten and eleven thousand.

2. The militia of the State of Mississippi are organized in conformity to the laws of Congress, as required by our constitution.

3. I have no hesitation in saying that the volunteer corps are much the most efficient. In point of discipline many of them are but little inferior to regular troops; in the event of a call for their services, they would be more prompt in turning out than the regular militia, and at once ready for the field; whereas it would take some time to collect and organize a detachment of militia, which would be too tardy in the event of an insurrection, to which the Western part of our State is liable, from her black population.

4. There is no preference given to the volunteers, except that of rank, and the privilege of using the arms belonging to the State.

5. The regular militia companies are protected by a law preventing such numbers joining volunteer companies as to break up those of the militia: in fact, too little encouragement is given to volunteer companies in the State of Mississippi, considering their great utility.

6. The proportion the volunteers bear to the regular militia, at this time, is about as one to twenty, and varies much according to the spirit of the times.

7. Great benefits arise from volunteer corps having the privilege of establishing their by-laws, particularly in point of discipline.

8. I have long been of the opinion, that a classification of the militia into the active and sedentary is the only mode that can be adopted to relieve them from a great burthen, and at the same time effect the object so much to be desired by a free people.

9. Taking it for granted, that in making this classification of the militia, the object would be, that every citizen should in early life acquire the discipline necessary to fit him for a soldier, and then suffer him to rest until his services are required, I have no hesitation in giving it as my opinion, that age, and not the married life, should make the distinction.

10. As to what would be the proper period will depend much on the length of time the active militia are required to encamp, and perform duty in one year; should it be from twenty days to one month, I think from eighteen to twenty-three years of age would be long enough. The encampment should not be for a shorter term than two weeks. And in the mean time, that the corps may be kept in a state of organization, quarterly musters should be kept up by the active militia. If volunteer corps are encouraged, they should be confined to the sedentary militia.

11. It is much to be regretted, that commissions in the militia, in time of peace, are not generally sought after; and the offices are mostly filled by men not qualified; who in time of war know their value, and hold on. Such was our situation in the last war, that the Legislature passed an act, authorizing the Governor to select and commission suitable persons to command detachments called into service. This would seem to sanction the idea, that it would be proper to commission inferior grades of officers only, in time of peace. But exposed as we are in the Southern slave-holding States to insurrection, it is indispensable that our militia should be kept in as complete a state of organization as practicable.

12. I think to limit the term of militia service to three months would, in most cases, defeat the object of the militia entirely, and cause great useless expense to the Government.

13. To extend the time to twelve months, would be burthensome and unequal, except in a very protracted war. I think the term of service should be limited to not less than six, nor more than nine, months.

14. The regulations of the State of Mississippi for training the militia are quarterly company musters. One battalion and one regimental muster in each year. Annually, the officers and non-commissioned officers are required to assemble, and are drilled by the Colonel two days.

15. Frequent musters, which last but for a day, are of little advantage, beyond keeping the corps organized.

16. Instructions to officers are indispensable; and discipline to the private, almost as necessary as courage, to inspire him with confidence. Therefore, I cannot give it as my opinion, that drilling should be confined to the officers exclusively.

17. The system of Infantry Tactics, as directed by law, is pursued in this State as far as practicable, but for the want of books, not universally.

18. Artillery corps. At this time we have none in the State.

19. For our cavalry, we have as yet adopted no general System of Tactics.

If the foregoing remarks and opinions can be of any service in promoting the grand object contemplated by Congress, I shall feel more than compensated.

With great consideration and respect,
I have the honor to be,
Your most obedient servant,
GERARD C. BRANDON.

To the Honorable JAMES BARBOUR,
Secretary of War of the United States.

NEW ORLEANS, *October 1st*, 1826.

SIR: I have had the honor to receive your communication of the 11th July in reference to a system of exercise and instruction for the use of the Militia of the United States. From my very limited experience in military affairs, my views or opinions on most of the questions submitted, cannot be of much utility in the investigation. Fully sensible, however, of the great importance of the subject to national defence, I cheerfully respond, as far as enabled by the information I possess, to the several queries propounded.

1st By the last general return of Militia of Louisiana, for the year 1825, the whole force amounted to 11,189 men.

2. The present organization of the militia conforms to the laws of Congress: and but little difference obtains in the organization of the Staff.

3. As to the question whether regular or volunteer militia are most efficient, it is one on which a diversity of opinion prevails. As a means of defence, volunteer corps claim some advantage, but, at the same time, they are not devoid of inconvenience. They are generally uniformed, and somewhat better disciplined than regular militia, and of course would be more efficient than an equal number of the latter: yet it appears to me, that it would be an assumption to lay it down as a principle that they are more efficient than the regular militia. Their association being voluntary, cannot be relied on for permanency; their strength and character are liable to frequent changes; they may even dissolve themselves at the time of utmost need. Being generally favored by certain privileges and exemptions, they sometimes arrogate to themselves immunities which tend to the prejudice of the service: and the invidious superiority which they are apt to claim over the regular militia, may have the effect to alienate others from the ready performance of ordinary militia duty.

But while I entertain a doubt as to the greater efficiency ascribable to volunteer corps in general, it is probable that a company of volunteer cavalry might form a useful adjunct to each regiment.

4. Certain preferences have been given by the State for entering volunteer corps. Several of them have been supplied with arms and equipments, and have the privilege of taking the right of the regular militia.

5. The establishment of volunteer corps has, it is conceived, an injurious operation on the regular militia, as suggested in answer to the 3d question.

6. The proportion of the volunteer to the regular militia is about as one to eleven.

7. It is believed that it would promote the efficiency of volunteer corps, that they should have power to make for themselves by-laws, imposing additional duties to those prescribed by the general law, but that they should never be freed from the latter: else, if left wholly to the government of their own regulations, they might, by neglecting to enforce them, avoid the greater part of their duties.

8. 9. 10. It is thought that a classification of the militia as suggestted, would be an improvement in actual service. In the classification, the single or married state might form a proper distinction, yet it might in some instances, operate a hardship, inasmuch as filial or other relations might have an equal claim to be included in the sedentary class. Age would, of necessity, form the distinction. In fixing on the proper period, regard should probably be had to the greater precocity, and more early caducity of the citizens of the Southern States.

11. I am inclined to the belief that it would be an improvement to issue commissions only to inferior grades, in time of peace. The militia are seldom assembled in larger bodies than Regiments, which constitutes the command of a Colonel.

12, 13. The period of service for three months, must evidently be the most inefficient, and attended with great sacrifices of life and treasure. No term of service would seem to possess recommendations superior to those of keeping them for the whole campaign for which they are called out; replacing them during the season of inactivity, the Winter of the North and the Summer of the South.

14. The laws of the State for training the militia conform as far as practicable to the regulations of the War Department.

15. From my experience, frequent musters, as generally practised, are detrimental rather than advantageous to the militia. In a system conducted on true principles, the advantage to be gained would probably be in the ratio of the frequency of the exercises. Yet in the consideration of the subject, the circumstances and situation of different States, might form a proper ground of distinction. The system of encamping the militia for a time, at stated periods, is one which has had many advocates. From the character of the seasons in this State, and the habitual occupations of its inhabitants, frequent calls to the field, in time of peace, would, it is conceived, be attended with sensible inconvenience. The People of Louisiana are as brave and patriotic as any of their fellow citizens in the other States, and would, with equal alacrity, betake themselves to arms when required by the

occasion. They would then, in a short time, acquire in the camp more proficiency in the arts and practices of war, than they would attain by any frequency of ordinary musters.

16. Instruction should, it appears to me, be confined principally to the officers. The militia, when called into actual service, with good officers instructed in their duty, would soon become efficient. It is important that Congress should pass a law relative to the militia, that should be uniform throughout the Union.

17. The system of Infantry tactics directed by law, is pursued throughout the State.

18. During a period of years, different systems of Artillery tactics were pursued without success: but within the last four years, the Orleans Battalion of Artillery, by adopting the latest French system, has fully succeeded. I am of opinion that it ought to be brought into general use, being in conformity with that adopted for Infantry.

19. No system of Cavalry has ever been particularly adopted in this State: and if I could express an opinion, founded on my circumscribed observation on the subject, the late French system of Cavalry tactics, ought to be also adopted. Those three systems of Infantry, Cavalry, and Artillery tactics, appear to be in perfect accordance.

I have the honor to be,
Very respectfully,
Your ob't servant,
H. JOHNSON.

Hon. James Barbour,
Secretary of War.

State of Illinois,
Executive Department, Sept. 8, 1826.

Sir: Your letter of July 11th, was not received until the 30th of August. In compliance with your request, that I would give my earliest attention to the subject, I hasten to reply to your several inquiries; and, to save a repetition of them, shall do so in reference to the number, and in the numerical order in which they are stated.

1. The returns are defective; but it is believed that there are enrolled in the militia about 12,000 men, rank and file.

2. To show fully how the militia are organized, and in what respects we have departed from the provisions contained in the law of Congress, I send you, enclosed, a printed copy of an act recently passed, "for the organization and government of the militia of the State."

3. I have no particular experience on this subject, but have always heard, and believed, the volunteer corps to be by far the most efficient.

4. In a time of profound peace, and with no prospect, as it is believed, of war, there is little zeal displayed in forming volunteer corps. But, in case of war, there would be, doubtless, a preference to volunteer service, as well from the opportunity it affords for the

association of active, patriotic, and high-minded men, as for the selection of officers in whom the men would have greater confidence.

5. No. It operates as a salutary incentive.

6. About one-twelfth.

7. I think it would not; but, on the contrary, the power in a part of the militia to make by-laws, would create a discordance which would be prejudicial to discipline, and injurious to the service, by weakening the unity and efficiency of the whole.

8, 9, and 10. It would be doubtless, highly beneficial to class the militia; and, in my opinion, they should be classed according to age. All under a specified age, (say 25) should form the "active," all above it, the "sedentary" militia.

11. I am not prepared to give a full answer to this inquiry; but I will say, that I should think it highly advantageous to organize the militia in such manner that, during peace, they should be commanded by lieutenants or deputies, and when called into service, they should be commanded by officers of full rank. For instance, a regiment, during peace, to be commanded by a *Lieutenant* Colonel; but when called into service, to be commanded by a *Colonel*, who should be selected for his superior qualifications, and without regard to previous rank. There would, unquestionably, be many advantages resulting from the power of selecting, in time of war and emergency, the best qualified officers, without giving umbrage to any. The militia, as it is now organized, is a mere school of titles, where honors are conferred more from a momentary impulse of personal kindness, than from a sense of the qualification of the individuals.

12 and 13. Yes. The period of service should be at least six months, if not longer.

14. In answer to this question, I refer to the enclosed law.

15. Frequent musters are injurious to society, and are productive of little benefit to the militia. But little military information is gained, bad moral habits are acquired, and much time is lost. One company muster, one regimental muster, in each year, would be sufficient to enroll, organize, and teach the men the necessary knowledge to prepare them for being called into service.

16. The officers should be thoroughly drilled, and instructed in the duties of the field and camp. But I do not think it would be an improvement to confine the musters exclusively to the officers, as such public opportunities to display military knowledge forms an inducement to acquire it.

17. It is not: chiefly for the want of proper books of instruction.

18. We have no artillery.

19. We have but one company of cavalry, and they are drilled according to Duane.

I have forwarded two of your printed Circulars to Generals Duncan and Street, whose information and experience will enable them to give more correct and valuable information, than can be furnished by your friend and fellow citizen,

EDWARD COLES.

The SECRETARY OF WAR.
Washington.

INDIANAPOLIS, INDIANA
November 20, 1826.

Hon. JAMES BARBOUR,
Secretary of War.

SIR: Allow me, at this late period, to acknowledge the receipt of your communication of the 11th of July last, accompanying a series of inquiries relative to "a complete system of cavalry tactics; and, also, a system of exercise and instruction for field artillery, including manœuvres for light and horse artillery," which, by a resolution of Congress, at their last session, you were enjoined to cause to be prepared. Absence on public business is the only apology I can offer for not attending promptly to your interesting letter. Nor have I it now in my power to make a satisfactory response to all your interrogatories; but will freely give you such information, in a succinct manner, as the facts known to me will justify.

To your first inquiry, I will answer, that the number of efficient militia in the State of Indiana, at this time, may be fairly estimated at forty thousand.

To your second inquiry, I have the honor to say to you, that our militia laws have provided for the organization of the militia of the State in strict conformity to the law of Congress; making that system of tactics, and the rules and regulations of the Army of the United States, their guide. But, the law is too frequently violated by the obtrusion of other systems, in favor of which some officers entertain strong prejudices.

To your third question, I have no difficulty to answer, in giving it as my opinion that the regular militia are the most efficient. Those that volunteer, in most cases, have but little to stimulate them to great efforts; whilst the regular militia have homes, and families, and the pride and love of country, to excite them to glorious deeds.

To your fourth question, I must say, in answer, that no preference is given by law to entering volunteer corps.

In answer to your fifth question, I would give it as my opinion, that the establishment of volunteer corps would *not* be injurious to the regular militia.

I will answer your sixth question by remarking, that the proportion which the volunteer militia bear to the regular militia is about as one is to ten.

In answer to the 7th question, I would remark, that I cannot doubt but what a power given to volunteer companies to make their own by-laws would promote their efficiency.

Your suggestion, in your eighth question, as to a classification of the militia into *active* and *sedentary*, strikes me with much force. It would seem to possess advantages over the existing arrangement. Embracing your 9th question, I would conclude that, in this classification, the single or married life should form no distinction, but that age should.

And to the tenth question, I would say, that a man should not be forced into service beyond fifty years of age.

In answer to your 11th question, I must admit that I cannot see the reason of a distinction between inferior and superior grades, in issuing commissions.

To the 12th question, in answer, I am happy to have this occasion to express my belief, that a term of service for only three months is attended with great sacrifices of life and property, and productive of inefficiency. It would seem to me, (including your 13th question) that the period should not be less than one year.

In reply to the 14th question, allow me to state, that the officers and privates, in each regiment, muster together once in each year. Each regiment is divided into two battalions, which muster once in each year. Each company musters twice in each year. At a regimental muster, all superior officers may attend and command.

I would say, in reply to your 15th question, that I do not believe that frequent musters are beneficial, in the general; and (embracing your 16th question) I am as well persuaded that more is to be effected in the instruction of the officers; but I would not say, *exclusively*. The system of infantry tactics, directed by law, is not *generally* pursued; but considerably so.

We have no regular system of instruction and exercise for artillery or cavalry.

I will here take the liberty of remarking, without your inquiries, and in obedience to a request in your communication to notice any other matters that might be thought of consequence, that the arming and equipping the militia of the States will be a measure of the first importance, in adopting any system for the improvement of the militia. The militia will never be left without excuse, in the performance of their duty, until they are armed. This should be uniform and general, throughout the Union.

You will be pleased to pardon the imperfect manner in which I have noticed your communication, and permit me to acknowledge myself,

Very respectfully, your most obedient servant,

J. B. RAY.

STATE OF KENTUCKY,

Office of State, August 24, 1826.

SIR: Your circulars relative to militia have been received. I am directed by the Governor to say, that they have been forwarded to Major General Robert M'Hatton, Brigadier General Robert B. M'Afee, and John M. M'Calla, and to Colonel Peter Dualey.

The whole force of the militia of Kentucky is 69.518 troops, of which, 67,789 are infantry, &c. and 1,209 cavalry, and 570 artillery, as appears by the return of the Adjutant General, on the 30th Decem-

ber, 1825; a duplicate of which return, it is presumed, was forwarded to the War Department.

A copy of our miliita laws is forwarded by mail.

I have the honor to be
Your obedient servant,
P. S. LOUGHBOROUGH,
Assistant Secretary of State.

Hon. JAMES BARBOUR,
Secretary of War.

LEXINGTON, 18*th September*, 1826.

SIR: A copy of your circular upon the subject of the militia has been forwarded to me, from our Executive, the answer to which I presume is to be forwarded to you. I am truly gratified at the idea that Congress will take up this subject in good earnest, as I consider it to be of vital importance. In our State we feel it more sensibly than it may be felt in other States, where their State laws are more efficient. Our laws are little better than an order to disband the militia altogether. We have, in consequence, looked anxiously to Congress for some redeeming act, which will place the system on a respectable footing. In consequence of our laws, which exempt a militiaman from parading with a gun, if *he does not actually own one*, I have seen regiments parade, in which not more than one in forty or fifty have a gun at all. In consequence of our fine for absence only amounting to one dollar, currency, I have seen my regiment, which carolls upwards of 1000 men, parade less than 110. The same result has existed generally, sometimes in a greater and sometimes in a smaller degree. All pride is lost, and we can seldom procure a respectable man who will take command of a company of regular militia. In several regiments, as fast as the companies would lose their officers they were dissolved and added to the adjoining companies, because they could not procure officers for them.

At a brigade drill for the officers and non-commissioned officers of my Brigade, held last week, I laid your circular before the commissioned officers, consisting of 4 Colonels, 2 Lt. Colonels, 4 Majors, 22 Captains, and 25 Subalterns. The only questions which the meeting attempted to answer, were the 8th, 11th, 12th, 15th, and 16th, which you will find in the annexed regular replies to the queries in your circular.

1. and 2. I presume the Executive will answer these.

3. The volunteer militia are most efficient.

4. Were the laws in general more strict, I believe there would be a preference for entering volunteer corps. At present, the regular militia are considered as a refuge from duty, and many remain therefore attached to it in preference to the volunteer militia.

5. I think not, except so far as the actual diminution of force may be considered an injury.

6. In my Brigade, which contains perhaps a larger number of volunteer companies than any in the State, the proportion is about one-third.

7. I would be opposed to giving this power, except with considerable restrictions.

8. The Board of Officers decided, by a large majority, that a classification of militia, as contemplated in this question, would be improper. I differ with them.

9. Should a classification take place, age should be the distinction.

10. The active class should include all between 18 and thirty-five years of age; the rest to pay a tax as an equivalent for exemption from service.

11. As the militia must, at all events, be laid off into the same divisions as exist at present, the same grades of officers will be necessary to command them.

12. A term of three months was considered too short by the Board, and six months recommended in its stead.

13. Answered above.

14. The system of discipline ordered by Government for the regular Army, is directed to be used by the militia in this State.

15. Frequent musters are considered beneficial. They keep alive the spirit of the men, and fix a knowledge of the service more firmly in their minds. Without them, what is learned at one parade, is lost before the next; attention dies away, every one grows indifferent, arms are permitted to get out of order, and the whole affair is neglected.

16. I think not. Unless you give officers an opportunity of commanding their respective corps, you take away the principal inducement to learn; and the consequence will be, that you will have neither officers nor men.

17. From the scarcity and high price of books, the system of infantry manœuvres, ordered by law, are not universally pursued. Some officers use one system, others, use others.

18. Tousard's Artillerists Companion, is the book which we have followed in our artillery practice.

19. Herrie's Cavalry Tactics have been our guide in the discipline of cavalry. We are not not sufficiently skilled in either of those branches, to pretend to criticise those authors.

As an individual, I will suggest one idea, that there be required, by an act of Congress, brigade drills, upon some what similar principles to the plan proposed to Congress a year or two since, in addition to parades of regiments, battalions, and companies. At the drill above-named, commissioned officers and sergeants should be required to attend. A supply of camp equipage and rations should be furnished by Government, under proper restrictions; and such power should be given to commanding officers, as would enable them to preserve order. Division drills also should be authorized once in two years. When a division drill takes place, there should be no brigade drill in the same year. We have always found brigade drills, where an encampment takes place, productive of much good, unless the commanding officer himself was incapable of discharging his duty.

I will only add, that I consider the militia the "natural defence of a free people." As such, every man here, who has been at all interested on the subject, has lamented the present apathy which exists in the State and Federal Governments, in relation to it. Should your present plan be productive of any practical good, it will excite the gratitude and applause of the great majority of this quarter of the Union, and will meet their decided support.

Respectfully, your ob't serv't,
JOHN M. M'CALLA,
Brig. Gen. 3d Brig. K. M.

The Hon JAMES BARBOUR,
Sec. of War, Washington City.

ADJUTANT GENERAL'S OFFICE,
St. Louis, 1st October, 1826.

SIR: In compliance with the request of his Excellency Governor Miller, I do myself the honor of replying to your circular of the eleventh July last.

The condition of the militia of this State, must necessarily make this communication short and unsatisfactory, being unable to furnish much information derived from experience, in answer to the various questions contained in your circular. The population of this State is so scattered and sparse, that regular musters, of either battalions or regiments, are with the greatest difficulty effected, with the exception of one or two counties; and in many instances, great inconvenience attends the assembling even of a company.

The number of the militia of this State may be fairly estimated at twelve thousand; they are organized in strict conformity to the laws of Congress, which are incorporated with those of the State.

I am not informed of the existence, at present, of a volunteer company, of any description, in the State; consequently, no opportunity has been afforded of ascertaining the relative efficiency of volunteers and the regular militia. Our laws in relation to volunteers are sufficiently encouraging and liberal, and the fact that there are none in the State, I would presume to attribute to the want of a proper military spirit among the militia, which, it is expected, will be acquired when this country shall possess a more dense population, an increase of wealth, and it more generally diffused among the People.

It is, however, most respectfully suggested, that volunteer mounted riflemen, armed with a short rifle slung over the shoulders, a cutlass, and holsters and pistols, would be a most formidable and efficient corps for the protection of our Indian frontiers, which is a gently undulating and prairie country, and peculiarly suited for the successful operation of cavalry. Since time immemorial our Northwestern and Western Indian neighbors, in their wars, have adopted the mode of fighting on horseback, which, no doubt, experience proved the

most effective for their country. It is believed, that, with proper encouragement, many companies of volunteer mounted riflemen could be raised. in the frontier counties of this State,

A proper classification of the militia would doubtless be attended with great advantages, the "active" to consist of those between the ages of eighteen and thirty, without regard to their state.

To withhold, during peace, commissions above the grade of Lieutenant Colonels, would enable the filling by selection the higher grades. during war, and have the happy effect of preventing the too great prevalence of military titles, which certainly tends very much to lessen their respectability.

The period of service, for three months only, on one tour, is unquestionably attended with great sacrifice of life and treasure, and will generally result in disgrace to the officers who may have the misfortune to command. It should be extended, at least, to twelve months, for such militia as may serve out of their State, and six months, for such as may serve within.

The militia laws of this State provide for one company, one battalion, and one regimental muster; and one meeting, to continue not less than two, nor more than four, days, of the officers, non-commissioned officers, and musicians, for training and discipline.

As it is by means of the skill and efficiency of the officers and non-commissioned officers, that military instruction is imparted to the men, it is recommended. that, in each State, there be appointed one or more instructors. to drill the officers and non-commissioned officers, and that the militia be but seldom mustered.

Our statutes have adopted the system of Infantry Tactics directed by a law of Congress, but its knowledge is extremely limited, for want of the books containing it.

No corps of cavalry or artillery has been yet formed in this State, nor has there been adopted any system of Cavalry Tactics, or instruction of artillery.

I have the honor to be, with the greatest respect,
Your most obedient servant,
JOHN O'FALLON.
Adjutant General.

The Honorable JAMES BARBOUR,
Secretary of War.

WYTHE C. H. VIRGINIA, 21st *August*, 1826.

SIR: Your printed Circular franked by Mr. Southard has this moment come to hand, and I answer that many of your inquiries will, I presume be answered by the Adjutant General of this State, in the most satisfactory manner, but on some of them, I will briefly offer you my opinions.

5th. If the Militia was duly perfected, the Volunteer system ought to be abolished.

8th. A classification of the Militia, one class to be the active, the other the stationary, would doubtless be a great improvement.

9th. Age, and not the single or married state, must form the distinction. No measure adopted during the war of the Revolution in relation to the Militia, gave such dissatisfaction, as a draft confined to single men.

10th. Let the active class consist of men under 35 years of age.

11th. It would be an improvement to issue Commissions only to inferior grades in time of peace. The highest grade to be commissioned in peace would depend on the law for training. If only a battalion is assembled at one place, a Major might be the highest grade. If a regiment is assembled, you would require a Lieutenant Colonel.

12th. To call on men to perform a tour of three month's duty, is attended with great sacrifices of life and money, and is preposterous. Six weeks will be required to train new levies. The period of service should be not less than one, nor more than two years.

15th. Frequent musters of the Militia are of no advantage. They produce a serious loss of time.

16th. It would be an improvement to confine the instruction to the Officers exclusively.

If the Government would draw an efficient force from the Militia, it should proceed thus: At the commencement of the War, order into service a Militia Army, say 50 or 100,000, or any other desirable number, according to the occasion. Draft at once all the Officers required, *for service during the war*; allowing them to resign at pleasure; then keep the ranks full by drafts for two years. Do this, and you will have Soldiers, and all distinction between the regulars and Militia will disappear; or if not, the Militia will have the advantage.

With great respect,

ALEXANDER SMYTH.

HARPETH, TENN. *October* 22*d*, 1826.

SIR: In answer to your letter of the 11th of July last, in relation to the organization and discipline of the militia, I will observe that I fully concur with you in the political maxim, that a well organized and disciplined militia is the natural defence of a free people, however much our Government seems to have heretofore forgotten this maxim in practice.

In relation to many of the questions you have submitted, I must ask to be excused from answering, in consequence of a want of the necessary information, at this time, amidst the cares and afflictions of my family, while I will cheerfully give my opinion on those only that I feel a competency to decide on. Then, in answer to the third question proposed in your letter, I say the volunteers, from my experience, are the most efficient.

I answer the seventh question in the negative: I would not give them the power of making their own by-laws. They should strictly conform to the general regulations of the army, while in service.

In answer to the ninth question, I say age should be the criterion, if gone into, and divide into four classes, taking an equal period in each class.

I answer the twelfth question in the affirmative: the period of three months is too short for the service: six months is much better, and more efficient.

In answer to the fifteenth question, I say that frequent musters are of little or no advantage. If you discipline the officers, the privates can be prepared in a few days, when every officer understands his duty.

I answer the sixteenth question in the affirmative most decidedly, so far as the General Government may undertake to give the instruction. To effect the discipline of the officers will be all important. This subject occupied a considerable share of my attention some years past, when I was in Congress, particularly the two latter sessions, being the chairman of a committee on the subject of the militia. I devised a system for their discipline, which I submitted to the House of Representatives in a bill, some time in January, 1823, as well as I remember. The bill was taken up and partially discussed in the House of Representatives on the 9th and 10th of January, 1823. You will find a part at least of the debate published in the Intelligencer of the 18th and 29th of that month, containing my views on the subject, expressed more freely than opportunity will now permit. To this bill and debate I beg leave to refer you, for my opinions on this important subject. They remain unchanged—time and further experience have only more fully confirmed them. The bill may be found in the file of bills reported that session, and left without being acted on. It is my own plan, except the last section, or one which provides for exemption of privates from mustering, by paying annually a certain sum of money; this provision was adopted by the committee against my wishes and opinion, but without any strenuous opposition, as it gained to the support of the bill a member of the committee, who otherwise would have been opposed, and my object then was to carry and put into practice the principle of my bill.

Copies of this bill were distributed amongst the militia officers in most of the States of the Union, many of whom gave their decided approbation to the plan. A board of officers assembled in Philadelphia for its examination, who testified in favor of the measure in the most flattering terms to its author, as did also a great many experienced militia officers in the States of New York, Massachusetts, Ohio, several of the New England States, as well as my own State, where it was, so far as I was informed, generally highly approved of.

The expenditure was the only objection of any weight that was urged against this plan to discipline the militia. It would cost, as was estimated, about half a million annually to encamp and discipline the whole of the militia officers of the United States; and here I must take the liberty to remark to you, that, unless some expenditure of the

public money is contemplated for this great object, any plan must fail in producing the effect desired.

One of the good effects anticipated by the plan I have proposed, is to induce persons to accept militia appointments that are better qualified than can be obtained under the existing regulations, and thereby speedily improve that body of useful citizens in fitness for disseminating the necessary information to the body of the People: as things now are, it is only the highest commissions that will be accepted by persons competent to the duty.

The other questions submitted, I expect, with those I have answered in this letter, will be more fully and satisfactorily answered by the present Governor of our State, whose opinions, from his experience and usefulness in service, during the late war, are entitled to great consideration. You will please to excuse this hasty scrawl, and be assured that there is no object in my judgment of greater magnitude than that in which you are now engaged, and none to which would be more cheerfully contributed every aid in the power of your friend and obedient servant,

NEWTON CANNON.

The Hon. JAMES BARBOUR,
Secretary of War.

JAMES BARBOUR, Esq.
Secretary of War.

SIR: I cannot believe that so humble an individual as myself could have been in your mind at the time of writing your circular of the 11th ultimo; yet, as it appears to be addressed to every one who may have reasons for the opinions he may entertain on the various subjects embraced by it, I will do myself the honor to lay before you the following sheets, as the result of my investigation of the propositions submitted by you: begging you to believe that I presume not upon a too transient acquaintance with you, but, possessing the feelings by which our fellow-citizens in common are moved to acts which duty or choice may prompt them to perform, I send them to you, in the hope that they may be of some service in the decision of the many important points involved in the general object of your "circular."

1st Query. "What is the number of your militia?"

This inquiry will be answered, I presume, by the Governor or Adjutant General of the State, both as it regards the whole State, and the strength of its different sections, whose peculiar situations will form objects to which ought to be adapted a state of militia organization calculated for them.

2d Query. "Are they organized in strict conformity to the law of Congress? If they differ, in what?"

They are not organized in strict conformity to the act of Congress. The difference between the act of Congress and that of this State is this: the law of Congress enacts, that "there shall be formed for

each battalion *at least* one company of grenadiers, light infantry, or riflemen; and that, to each division, there shall be at least one company of artillery, and one troop of horse, so as there shall not be more than one company to a regiment." By the law of this State there *shall be* one regiment of artillery, and one of cavalry, to each division: the same act authorizes a company of grenadiers, light infantry, or riflemen, to be raised in each battalion. In all other respects the organization of the militia of the State is substantially that prescribed by Congress: indeed, the difference stated above exists only in this; Congress *gives the right* to create one company of artillery or dragoons in each regiment; the Legislature of Virginia *makes it a duty*.

3d Query. "Are the regular or volunteer militia most efficient?"

There is but little, if any, doubt, that the regular militia of the United States are preferable to the volunteers. They are more capable of undergoing long and rapid marches, are more patient under fatigue, have greater physical capacity for it, endure the extremes of heat and cold, wet and dry, with less liability to disease, seldom hope for luxuries, and never regret its absence; are better prepared by their diet at home for the fare of the camp, and hence do not contract so easily complaints incident to the life of a soldier; they are more docile and obedient, the most exalted of the virtues of the soldier: they assert no claim to peculiar or exclusive immunities, have no ideal wants to gratify, nor rights to vindicate—the bane and curse of armies, the principal cause of the general imbecility of militia, at all times, the palpable vice of volunteer corps.

The great difference between the regular militia and volunteers has its origin in the different habitudes of the men from early infancy. Militia are usually composed, in active service, of the hardy laborers of the country, while volunteer companies are formed by the sons of richer individuals, who have the means which gold and silver always command, and but seldom fail to invite, of elevating their moral and physical condition in civil society; by which their importance is considerably magnified in their own eyes, and notions of superiority are imbibed that unfit them for military subordination. Hot-bed constitutions, vitiated palates, and enervated limbs, proclaim them the subjects of luxurious lives; whether they are qualified for the ranks of an army, and whether my reasons in favor of regular militia are unsupported by these facts, I leave the Secretary to decide.

I have, however, upon this head, the convictions of experience to urge in support of what I have said. At an early, nay, a tender age, I was a member of a volunteer company, the first that marched from this county in the late war: you were then Governor of Virginia. We were stationed in Hampton at the time that town was entered by the British troops: during the campaign I had repeated opportunities of testing the position I have taken; whether on police, guard, or drill duty, the regular militia I considered best. In battle their superiority still predominated—this the result of the facts I have stated.

The main difficulty in the decision of this question arises, not so much from our observation on the actions of human life, as from the

theory which seems to belong to it. Some intelligent men, with whom I have conversed, give a preference to the volunteers, from the circumstance of their condition at home, urging, in defence of the superior fitness of these gentlemen for the military service, that such is their sense of honor that they will never fly from the face of an enemy, and, if beaten, can be again brought to the charge with spirits unbroken. It is true some volunteer corps did, during the late war, acquit themselves most nobly in action; but it is equally true that thousands of the regular Militia performed feats not surpassed by the best trained regulars in the Army: See them at Queenstown, Plattsburg, and New Orleans.

This sense of honor is, nevertheless, of incalculable benefit to an army. The Americans, as a nation, have as much, I believe more, of it, than any other People. It belongs to all orders of society in the United States; is imbibed at the breast of the mother, and from the habit of exercising the privileges of freemen at the polls, and of investigating the affairs of Governments, and the conduct of the public servants, they are at once elevated to the character of agents, upon whom periodically devolves the duty of propelling the Government towards the end sought in its institution. This high duty, and the great considerations coupled with its exercise, and perpetually recurring to the mind on every new discharge of it, fasten immovably their affection on the political institutions of their country, and excite every just feeling of national and individual pride. Carrying these sentiments and feelings into the camp, can it be supposed they will not be impelled by them to exert every power in defence of a soil which is theirs, and of rights which they have long exercised? Cowardice is almost unknown in the walks of private life, among those who constitute the regular militia; and I venture but little, when I say, there is as much among the volunteers as among them. Whence, then, on the score of chivalric feeling, or sense of honor in domestic life, can be inferred the greater prowess of the volunteers in war? Look to the private character and mode of life of the peasantry who compose the Army of England—that of France—and of Russia! Where is there mentioned in all history, bands more gallant or better trained? Yet, sir, in this free country, we have the elements of a better soldiery. We have all their industry, more intelligence, with greater elasticity and exaltation of character. All we want is discipline—which can be sooner given to the regular Militia than the volunteers, for the reasons I have urged.

There are many instances which are striking illustrations of the soundness of my opinions on this subject, but I should write longer than you would be disposed to read, if I extended my observations on this query any farther.

4th Query. Is there a preference given for entering volunteer corps?

In general, I think there is not, except for the cavalry. My reason for this opinion. It is very rare that a volunteer company is kept up more than a year or so, except in towns which always furnish young

men who are able to incur the expense of uniforming themselves. Troops of Cavalry are usually full, but not always filled by the most active militiamen—they seem to prefer the cavalry because they can ride when on duty, and because they obtain high wages for their horses in time of war.

5th Query. "Does the establishment of volunteer Militia operate injuriously on the regular Militia ?"

Yes, it is like a drop of the virus of the rattle-snake, injected into the human system; if it does not always kill, it never affords pleasure, and always gives pain. It is the perennial fountain of complaint, the nucleus of every principle at war with the quiet and discipline of an army.

6th Query. "What proportion do the volunteers bear to the regular militia ?"

Variously, from one fifth to one tenth.

7th Query. "Would it promote the efficiency of volunteer corps if they had the power by law, of making by-laws for their own government ?"

I cannot see where they can want any other laws than such as Congress and the Legislature make for them; if, however, they do want them, they should not make them; the power would be exercised capriciously, often tyrannically, and would be the cause of perpetual strife, jealousies, intrigues, and heart burnings; it would be a dagger to their peace, and that of all around them. A democratic legislature in an army ! ! No sir, no sir; it would ruin an army, and blast the cause it was sent to vindicate.

8th Query. "Would a classification of the militia be an improvement ? one to be called the *active*, the other the *sedentary*."

No, sir, unless in the Southern States. The militia should be called out *en masse* to resist invasion or put down insurrection, in which event a *sedentary* militia, composed of men from *forty-five* to *fifty* years, and youths of *seventeen* and *under eighteen years of age*, would be necessary. Such a corps at such a crisis, would be able to preserve peace in its vicinity, and give security to private property, and the country the benefit of every militiaman.

A sedentary militia, composed of those of eighteen and under forty-five years of age, who are supposed to be unable to do hard duty, would be an incubus on the Treasury, and all the energies of the State; it would create visible distinctions among the troops; one would be active, zealous, and not numerous; the other would be heavy, awkward and gouty: the sedentary ranks would, in truth, be filled by four-fifths of the whole militia, every fellow that had a sore toe, the cholic, or rheumatism; all those who thought "discretion the better part of valor," would find an apology for getting into this corps; by the same number that there may be of sedentary militia, by so many will the effective ranks of the army be decreased in a ten years war: for every man of them who may be able to hire his substitute will procure one, if you do not allow him the honor of being a sedentary soldier. But, sir, the great reason against it is, that the time

might come, when every man of the active and sedentary militia might be called out; only then fancy the figure some eight or ten thousand of the sedentary gentlemen would cut, at the close of even a four hours hard march in company with the actives! Sir, the mass of debility and bodily corruption is too great to be concentrated in one point; they would retard all other troops, till disgust would drive them home, or disease and death rid the country of them.

9th Query. "In making the classification, should age, or the married or single state form the distinction?"

By my answer to the last query, you have seen that I am of opinion that no other classification of the ablebodied men of the country would do, than that uniting youths of seventeen and under eighteen, and men of forty-five and under fifty years of age, for neighborhood defence, and that, mainly for the preservation of order among the serviles in case of a levy *en masse* on all the militia. But if a classification *were to take place*, I should prefer the distinction to rest on age, although the reasoning in the *8th answer* will apply here with great force. Where it rests on age, there will be always a corps capable of efficient service; if it be made to rest on the "married state," the sympathies and regrets of fathers and husbands, will be so general, so constant, and so keen, that the whole body would be eternally haunted by all the recollections of domestic comforts, peace, and happiness, and by the wants and distresses of their families, that they never could be disciplined, and never could be relied on. By the least effort of an artful foe, they might be induced to lay down their arms; the desire to return to their wives and children must overcome every other consideration. Imagine one thousand only, all feeling the same pang—what a concentration of sadness and of grief; and what might we not expect would be its effects!—every man having the same cause to curse the war and the country.

10th Query. "If age, what the proper periods?"

I consider this question as answered.

11th Query. "Would it be an improvement to issue commissions only to inferior grades in time of peace? If so, what would be the highest?"

I believe the militia are generally as well officered in time of peace as during war. The same power would make the appointments, and I doubt whether a better tribunal can be gotten than the county courts, under certain restrictions, viz: require the court to certify their freedom from intoxication, general good conduct, and intelligence, to the Executive. I would also require *every officer* to hold his commission for five years, unless he remove from the bounds of the regiment. If none but subordinate commissions be issued in time of peace, respectable men will not hold them, because they cannot rise, and there will be no stimulus to acquire a knowledge of their duty. In addition: somebody must command, and it will be better for him who is to march at the head of his regiment to have been a commandant for years before, than to be made one at the moment of starting. Again: the same power will then appoint that does now; and what greater guarantee will we have for a judicious selection then than now? The

crowd of applicants will produce confusion, and who will there be then better able to command than now? The absence of all displays at the head of the regiment will make every recommendation to depend on supposition or on friendship. Again: the appointing power is exercised in a dozen different modes throughout the States: so here, at once, is an insurmountable obstacle to any uniform rule on this subject. The best remedy for bad appointments in the line, is a command to the Governors, when they call the militia out in the service of the United States, to select the officers best calculated for effective service; I am therefore of opinion the present mode is decidedly, in theory, and in practice I have no doubt will prove the best that can be devised.

12th Query. "Is not the period of service for three months only, on one tour, attended with great sacrifice of life and treasure, and productive of inefficiency?"

A tour of three months only is attended with great sacrifice of treasure. The time usually taken, after arrival at rendezvous, in preparation for camp; the time spent in marching and countermarching to receive and deposite their arms, and other causes which will readily occur to your mind, usually consume one-third, or more, of their tour: of course, this time is paid for, when no equivalent is returned to the State. Besides, from the sparseness of our population, and immense extent of territory which it covers, many days are lost to the men and to the country before they reach head-quarters. But the troops must be paid from the moment they are called out; so that, if thirty thousand men were required for the defence of the State, we will assume twenty days as the average time for them to reach, we will say, Richmond. At the end of three months they will be discharged, so that there will be four drafts in a year, making the whole time for the hundred and twenty thousand to march to Richmond, three months and twenty days, which, at eight dollars per soldier per month, will amount, including the expense of baggage wagons not wanted, and pay of officers, to the sum of seven hundred thousand dollars at least; from which deduct the expense of the first draft, one fourth of the whole number, who may perform a tour of twelve months, and there will be left against the tour of three months, and in favor of the tour of twelve months, the sum of not less than half a million. These troops, we will suppose, for mere argument sake, may be put in something like fighting trim in one month, and not sooner, (remember, this is assumption.) In this view of the case, you can bring them to action during two of the three months, with a hope of standing the enemy; but recollect they spent one-third in getting ready for drill, which, added to the time (one month,) which, according to the assumption, they must be drilled, will leave for active service but one month. Now, suppose the tour to be six months, you will save, in the efficiency of the force, four months, besides the costs of the two. Suppose, again, the time were twelve months, you would lose only two in twelve—the month of preparation and the month of drill. Under the tour of three months, you lose the same time. Is it necessary to say more to prove the sacrifice of treasure? I think not.

I presume there is also a sacrifice of life : for no other solid reason, that I can see, however, than that many soldiers die under what is called camp-seasoning; the principal disease among soldiers originates from their food, and the habits and duties of camp; when they become accustomed to them, I think the good of the service, humanity, and the best principles of economy, dictate the propriety of retaining them in it, if it can be done, by competent authority; to replace them at the end of the three months, by others, is but bringing fresh victims to the jaws of sickness, and, at any rate, is keeping forever on hand, in a course of seasoning, hundreds and thousands of men, whose service the State requires.

Many additional arguments might be adduced, in support of the foregoing reasons; they are, however, considered by me, sufficient to authorize the conclusion that your inquiry ought to be answered in the affirmative.

13th Query. "If so, to what period might it be properly extended?"

The reasoning in the last answer, supports the idea that twelve months is the least time to which it could be extended. There are, withal, state reasons against its extension to so great a period. These belong, it is true, to the question of the propriety of war at all, as well as to the present query. The habits contracted in camp are more likely to be *confirmed* by twelve months' service; here arises, though, the question, whether society ought not to be removed as far as possible from all intercourse with the camp; doubtless, I think it ought. The final question is now to be answered. Which will most injure society, the occasional dispersion of the twelve months' men through it, whose ill mode of life is confirmed upon them, and who are limited in numbers, or a constant communication with three months' men, whose morals are tainted, and who are four times as numerous as the others? The question I raise here does not, perhaps, fall within the legitimate range of your inquiry, and I shall not, on that account, press it farther, although the vital interests of society are dependent on its correct solution.

As to the least time to which the militia tour could be extended, in a military point of view, the longer the period the better, both in reference to effective service and economy. I am of opinion, that three months is the shortest time in which men can be taught the use of their arms and legs; more especially the foot, in the use of which, Marshal Saxe said, lay the whole science of war. In reference to society, it may not be amiss to state, that a laborer might as well be absent for a year as six months, except as to a short period in the Spring and at harvest. Their labor is generally supplied by hirelings for the year, there being no excess of laborers through whom they can get work done by the day or job. With many, the time of twelve months would be highly objectionable, on account of the situation of their families; upon many it might operate very severely; but, I am fully convinced, they would suffer less in an entire twelve months' service, than they would, by the loss of the presence of the head of the family, twice for the term of six months at each time. Another query suggests itself:

in the progress of a war of five years' duration, for example, should we have more good troops, by adhering to short tours, say three months, than by tours of one year? I will answer this question by asking another. Which school boy will be best taught, he who goes to school three months only in each year, for four years, or he who attends regularly one whole year, without intermission? The boy who only attends one-fourth of each year, has the remaining three-fourths to unlearn or forget what he has been taught; during this long interval he loses all tact of memory, while the continuous application of the pupil for the year, gives solidity, hourly, to his past acquirements. Which will be most likely to bruise the flesh or break the arm, a blow repeated four times, at intervals of nine months, or in instantaneous succession? There is time for the arm to recover its strength before it is stricken a second, third, and fourth time, in the first instance, but not so in the latter; each stroke makes a new or inflicts a deeper wound—so with the mind; this principle will hold good, whether applied to force, fraud, or persuasion, in physics or in morals. But these are not the only arguments which may be properly used in this place. The three months' men will run four times the hazard of camp disorders, and increase, in a fourfold ratio, the risk of Summer and Autumnal fevers, &c. In conclusion, on this subject, I will remark, that, while I am in favor of the extension of the militia tour to one year, I am solemnly convinced it would be very injudicious, on many accounts, to extend it; much worse I think, than for it to be shorter.

14*th Query.* "What are the regulations of your State as to training the militia?"

The officers of each regiment are trained for three days by the Brigade Inspector, in the month of May or June annually, at such times as the Brigadier Generals designate. At the close of each training, the muster of the regiment takes place.

The militia muster four times a year: a company muster in April, regimental in May or June, company muster in October, and battalion in November.

15*th Query.* "From your experience, are frequent musters advantageous to the great body of the militia?".

I believe they are, when the officers drill or march them by some fixed principles or author. *I give this opinion in reference to military benefits.*

16*th Query.* "Would it be an improvement to confine the instruction to the officers exclusively?"

No, sir: the instruction, if confined to the officers exclusively, would be of no service to them or the militia in time of peace: they would have no one to whom to impart it. If it will benefit them, or render them better able to discharge their duties, it will equally benefit those in the ranks. Would it be wise to send a ship of war to sea, with a crew of mountaineers utterly ignorant of naval tactics, although some half a dozen officers on board might be good seamen? Under the present law of this State, an officer may resign at pleasure; and I am confident that, in every twelve months, one-third is changed, and

every two years, more than two-thirds; so that, if the instructions be confined to the officers exclusively, we have no assurance that a declaration of war, or any public exigency, would find them prepared for command. It certainly would not be good policy to postpone the elementary education of young men intended for mercantile employment, until they are actually behind the counter.

This objection may be easily obviated, as stated in my answer to the eighth query, by requiring all officers to remain in commission for five years, unless sooner exempted from duty. In the session of 1824, '5, of the General Assembly of this State, being convinced of the necessity of checking these frequent changes of the officers of our militia, I introduced a bill on this and some other subjects, prohibiting their resignation under five years, unless by the unanimous consent of the regimental court of inquiry held for their regiments. This provision was stricken out in the House of Delegates by a large majority. The bill otherwise providing for the better organization of our militia, by reducing the demand on the Treasury to the amount of fines assessed on delinquents, was afterwards rejected in the Senate by the casting vote of the Speaker.

The musters of the militia do some good in this respect—they arouse to action the military genius of many youths.

17*th Query.* "Is the system of Infantry Tactics, directed by law, universally pursued?"

No, never; and never will be, till the penalty for failure be increased and severely enforced. We have more than half a dozen authors, copyists, and patent-right-manufacturers of drills, &c. &c. The best service you can, on this subject, render, is to get Congress to refuse patent rights, and prohibit them by heavy fines, &c. &c. Why shall we not preserve the best military principles, and put down the every-day stupidities that are published to cheat, and bought for cheapness sake? It is as indispensable to the public good to have correct military ideas current in the country, as to have a sound money currency; and I can see no greater impropriety in punishing the man who publishes to the troops under his command unsound spurious ideas than he who publishes unsound spurious promises. Let the Department of War regulate this matter so as not to shut up genius and knowledge; but where there is a probability of bettering the state of the military science, to grant permission to publish.

18*th Query.* "What system of exercise and instruction of Artillery have you practised or followed? what are its defects and remedies?"

We have no system. In my Regiment there are two or three companies only who have guns; the Regiment extends from the Potomac, under and along the Blue Ridge, and above tide water to James river; includes seventeen counties and twenty-one Regiments of Infantry. The Executive of this State have refused me arms repeatedly; of course, we have no occasion for any system. Those who know any thing of the drill and movements of Artillery, appear to have caught it in the late war.

Tousard is the only work I have ever seen, although six or eight years ago, I heard of a small work on the same subject, which I never

could find. Tousard is too large and costly for the militia; it is only fit for men in the regular army—for professional soldiers. Six years ago, I compiled a Manual for the Artillerists of Virginia, which I submitted to the inspection of a relative, Judge Green, a former commandant of my Regiment, who loaned it to some one, from whom he has never been able to get it. This manual was principally composed from Tousard, and from my memory of what I learned and practised in the Military Academy, in which, Sir, I had the honor, happiness, and good fortune, to be educated, after I left the service of this Commonwealth.

Besides the defects of Tousard's Artillerist's Companion, which I have mentioned, it is also defective in arrangement, varies too much from the present mode of drill, and is not sufficiently *minute* in the description of the parts of the gun and carriages, the Caisson, &c.; and is deficient in the manual, the number of matrosses, gunners, and assistants, requisite to pieces of different calibres, and the different kinds of guns. In a conversation recently held with an officer of the United States' Army, a late graduate of the Military Academy, he informed me that these defects had been supplied in the treatise of General Lallemand. This work is not to be obtained in any of the book stores from New York to Norfolk, and is too high priced for the Militia.

19*th Query*. "What system of cavalry tactics have you adopted? what are its defects and remedies?"

We have no system; the book which has been most consulted was published by a Militia Officer East of the Hudson; some Militia Officer in Virginia has also published a Primer, which, from the size and price, appears in the last eight years to have superseded the New England work. Neither of them ought to be used. They are a jumble of militia notions, only fit for the gross appetite of ignorant militia coxcombs. Their defects I have stated. The best remedy for them is to suppress them, by the means suggested in my answer to your seventeenth query.

The different publications on Infantry Tactics have so varied in principle, *when there is principle*, that it would be exceedingly difficult for our best read and most experienced officers to reconcile many of them to any standard of discipline ever sought to be established in this or any other country. The crudities to which all such productions are necessarily liable, become fixed on the minds of the soldiers as early as the good principles which they perchance may contain, and thus, for every good idea, they have some vicious counterbalancing heterodoxies. Every man who wears an epaulette, or bears a martial title, seems to conceive himself fit to instruct his brother officers in their duty, and seldom fails to attempt to inculcate his badly digested theories upon their minds. There is no bait, however nauseous and fœtid, that some fish will not nibble at. It is this nibbling system which has done so much injury to the public service. It is pursued by the lowest grade of sabred Jackdaw, and, ascending, goes through all ranks, to the General of Division, Departmental Officers, and Commander in Chief. There is no remedy for this wide spread

mischief, but an inflexible resolve to put them down by law, and punish with severity every one who shall drill, train, or muster, upon any idea or principle advanced by them.

The system of discipline compiled for the United States' Army, (from M'Donald's treatise,) by a board of officers, of which General Scott was President, in the year 1815, has also been changed, why or how, I am not able to say. The militia were but just becoming acquainted with it, when its inaptitude was discovered, and its revision ordered: the new work has not yet reached this part of Virginia; by the time it arrives, for the same reason, it may cease to be of authority. It is not long since the Legislature of a neighboring State, who have power to amend its constitution, and who had repeatedly changed it, were obliged to appoint a committee to ascertain where and what was the constitution. It is sincerely to be hoped, that neither Congress nor the Army will find it necessary to appoint a committee to ascertain where and what are the forms and rules of discipline. Would it not be better when a board of officers report a new system of regulations or discipline for the army, which alike govern the militia, immediately to call another board, and submit the report to them for revision, and in case they differ, require the points of difference to be stated, and the two boards, in joint deliberation, to decide between them? It appears to me that this course would insure more correctness in the general results of these conferences, and give greater stability to them. The *systems* adopted by the cavalry have been less liable to variation on account, it is believed, of the comparative small demand for them. They have differed, however, but not so often in material points as in the infantry tactics. With the lights to be derived from the Napoleon systems of discipline, in relation to all corps, it appears to me that no capital error can get into our own, unless it be by accident, or the perversion of correct principles to some selfish and unhallowed purpose. It is a maxim in politics, that it is better for penal laws to be certain and mild, than uncertain though severe in the punishments they denounce:—and do not the same principles enjoin permanent, though faulty, systems of discipline, instead of those which are more perfect but always fluctuating?

The best reflection I have been able to bestow on the subject of a new organization of the militia, has led me to the conclusion that no general system, except one establishing a proper division of them into divisions, brigades, regiments, battalions, and companies, affixing their names, and designating the number and ranks of the officers commanding them, would answer for each State in the Union; for instance, the State of Virginia requires the organization of her militia to be suited to the local situations of the three great divisions of her territory, namely, her sea-board, Blue Ridge, and Western regions, (the necessity of which I have tried to instil into the minds of the Legislature,) while it must be evident, to every capacity, that the same would not answer for Kentucky, Ohio, or Tennessee, as long as their present relative condition to the other States remains unchanged. The great extent of the Virginia seaboard, her numerous navigable

rivers, creeks, and inlets, present so many assailable points to excite the revenge and cupidity of an enemy, and from the thinness of the white population, bordering on them, there are so few militia, and they are so badly organized, that the crew of a single man of war might ravage the whole country adjacent, with perfect impunity. Immediately on all our water courses the troops should be mounted, having a body of infantry at a short distance, in the interior, to support them, in case of attack by a larger force. The species of troops to which I allude, as those from whom the State would receive the most efficient service on the Chesapeake, and its tributaries, are not mounted riflemen, musketeers, or cavalry, but light or flying artillery, with one company of which, and eight guns, six, nine, and twelve pounders, any given line of coast, not exceeding sixty miles, aided by thirty cavalry videttes, would be better protected against depredation than by five, perhaps, ten regiments of infantry. I will not weary your patience, by running into a long train of argument, to prove the liability of a water coast to be ravaged by a marine power, and the peculiar adaptation, to its defence, of flying artillery, which moves with celerity from point to point, compels the enemy, from the length of its range and weight of its metal, to respect its character, avoid its vicinity, and tremble at its approach.

The introduction of flying artillery into the armies of Europe, forms one of the most important events in its military annals; so destructive were its effects on the Prussian army, in the war with Russia, that Frederick immediately incorporated it into his own, and gave it, with the exception of the improvements made by Napoleon, its present perfection.

Allow me to suggest the propriety of arranging the officers of every company of infantry of the line, to new companies, when in service, and, also, of dividing the whole number in the ranks of the regiment, except the two light infantry companies, into eight parts, by ballot, by which the men of each company will be so intermixed, as to destroy the familiarity which subsists between them and their officers, and that pernicious misdirected sympathy which so often exists among soldiers who are friends and acquaintances before they enter the service, upon every occasion on which it is found necessary to inflict punishment on one of them.

In giving my opinion on the impolicy of any other organization of the militia, than that establishing its great divisions, which is the amount of the present law of Congress, I should give some reason for it; this I will do in a few words. The Federal Government is too far removed from the greater portion of our territory, to be able to judge, as correctly as the State authorities, of the proper mode and means of resisting an enemy, whose course and rule of warfare is directed by the features of the country, and the character and number of its inhabitants. By prescribing any particular system, other than the present, the best plans, of a State assailed, might be rendered abortive by the inhibitions of an act of Congress, that did not provide for the juncture which gave birth to them. You see, sir, that I am not

actuated by my fears, that on this subject, also, the Government of our ancient mother Virginia is to be provinciated by Congress, and the President; whilst by going farther than the present system does, the States may find it necessary to differ from the Federal Government, in time of war, when there should not, above all times, be a conflict, even of opinion, between them. The present peaceful condition of the world, however, affords time for deliberation on the great interests of nations, and I am rejoiced to see you so zealously engaged on a subject heretofore too much neglected, but which is one of the highest consequence to the liberty and happiness of the People of the United States.

With the sincere wish that the result of your inquiries may prove a lasting benefit to the community, and honorable to yourself, I subscribe myself,

Very respectfully, sir, your obedient servant,

JOHN ROBERT WALLACE,

Colonel 2d Regiment of Artillery of Virginia.

WARRENTON, VA. *Aug.* 6, 1826.

BATH, MAINE, *August 17th*, 1826.

SIR: It must be very gratifying to every citizen of our country to observe that Congress is directing its attention to the improvement of our military institutions. Upon a well organized and well disciplined militia we must chiefly depend for the defence of our rights, and the preservation of our liberties; and I think it will scarcely be doubted, that "the militia may be trained to a degree of energy equal to every military exigency of the United States." To Congress is delegated the power of organizing and disciplining the militia; and it is very desirable that, in exercising the constitutional power, a system should be adopted which shall be uniform, suited to the genius of our Government, and yet efficient enough to bring into full exercise, when required, their great arm of national defence. It will doubtless, at first, be difficult to mature a system which is uniform, and, yet, which can at once be carried into full operation in all the States; but not so much so as it was to apply the principles of the Federal Government to the confederacy of States. In the latter case, the differences of condition, both physical and moral, in the different States, and prejudices in favor of long established usages and customs, though urged by an active and persevering opposition, did not present an insurmountable obstacle, nor prevent the adoption of an entire new system of government. Even as the limits of our jurisdiction become more extended, and embrace a greater scope of local differences and prejudices, the easier it seems to be to apply the principles of our Constitution to the well being of the States; each of which, new as well as old, without surrendering any of the rights incident to the State sovereignties, cheerfully submit to all the regulations of the General

Government; and, in the formation of their own Constitution, and in the enactment of many of their laws, are guided by the general principles of the Federal Constitution, and accommodate themselves to the laws enacted by Congress under the provisions of that instrument. Somewhat like this, I hope, may be the effect of a system established for the organization, training, and disciplining our militia; and I trust that you will not consider that I am obtruding myself on your notice, when, in reply to the questions contained in your circular of the 11th ultimo, I respectfully submit some observations, which several years' service in the line and staff of the militia of Maine may have suggested.

So long as government maintains an army, perhaps no better basis for a system of organization and discipline for the militia, which is intended to be uniform, can be adopted, than those general principles which are found to be most conducive to the efficiency and discipline of the regular troops. This system is kept in constant exercise, although to a limited extent, in time of peace; and the general policy of the establishment, as well as the drill and discipline of the troops, are constantly presented to the citizen-soldiers as examples for imitation.

Notwithstanding the number of the peace establishment may be comparatively small, and from the requirements of the Government, confined to such distant positions in our extensive territory, that their exercise and manœuvres may not be presented to the view of all or even large portions of the militia; still, such is the constant intercourse between our citizens, that much instruction from this source must, from time to time, be brought home to the military establishment of the several States. These examples presented to the militia, will do much towards eradicating those prejudices and preferences, many of which are so deep rooted in the breasts of the citizens; they will promote a spirit of inquiry relative to the utility of accustomed privileges in the militia, and the necessity of remaining attached to long established usages, and cannot, I think, fail to do much towards removing these trammels upon the discipline of the citizen soldiery. The manœuvres and drill of the army will serve as markers for the corresponding evolutions and exercises of the militia, and, when once observed, will cause correct imitation. When it is considered that, in actual service, the militia, in order to ensure any degree of success, must co-operate with the army, and each become blended with the other, the necessity of a system applicable to the situation of both, will appear more apparent. The militia, if trained at all, is trained for actual service; and, whenever it shall be called into the field, it must expect to submit to all those rules of subordination and discipline which are so necessary to give unity to action, and success to operation. If, therefore, in time of peace it is found difficult to apply to the militia all the regulations adopted for the government of the army, it may still be practicable to make those regulations the basis of a system of organization and discipline, and so far as they applied at all to have them closely adhered to. The minutia of some parts of the drill may, perhaps, be dispensed

with on the part of the militia, but when exigencies shall call for the performance of the complete duty of the soldier, the whole system may be brought into operation. Let the divisions and subdivisions of the militia correspond with those of the army. Have the same number of officers for each corps, with a corresponding grade. Let the several corps be distinct, and take their relative rank by corps and not by commission, as is the case in the militia of some, if not all the States. Adopt for the use of the militia the same system of field exercise, and the same drill, that is used in the army, dispensing perhaps with the duties of the camp, and the more fatiguing part of the drill, which might not be so genial to the feelings of citizens in time of peace. Suffer not exemptions from military duty to be so easily obtained as they now are in many of the States, but enforce the regulations by penalties or punishments which shall effect their observance. It may, I think, be stated, that in Maine, not more than one half of the free able bodied white male citizens, between the ages of eighteen and forty-five, are borne on the rolls of the militia. The fines for non-appearance are so low, exemptions are so easily obtained, by the various provisions of the law, and so lax is the state of discipline, that at the musters of very many of our regiments, one would almost invariably look without the line for the free able bodied yeomanry of the country, than upon the skeleton of a regiment within. But, sir, instead of debating upon a subject, which will occupy the attention of abler pens, I will confine myself to the immediate inquiries before me.

1st. I am not possessed of the returns of the militia of Maine for the last year. According to the official returns for the year 1824, the number of the militia of this State was—

Infantry - - - -	35,212
Cavalry - - - -	1,168
Artillery - - - -	1,865

2d. The militia of Maine is not organized in strict conformity to the laws of Congress. The brigades do not all consist of four regiments, nor the battalions of five companies, nor the companies of sixty-four privates. There are several officers in the militia, commissioned by the State authority, not recognized by the laws of Congress, viz: A Judge Advocate for each division, who is nominated by the Major General of his division; and, if approved by the Governor, commissioned by him with the rank of Major. An Adjutant and Quartermaster to each battalion of cavalry and artillery, appointed by the commanding officers of their respective battalions, and commissioned by the Governor, with the rank of Lieutenant; also, a Quartermaster Sergeant to each regiment, and to each battalion of cavalry and artillery, and a Sergeant Major, Drum Major, Fife Major, and Master and Musicians of regimental Bands to each regiment, appointed by the Colonels of their respective regiments, who grant them warants accordingly. There is not, for every battalion, at least one company of light infantry, grenadiers, or riflemen, nor to all the divisions at least one company of artillery and one troop of horse.

3d. The volunteer militia is principally composed of young men between the ages of eighteen and thirty. Their arms and equipments are superior to those of the regular militia. They are generally well uniformed; and their officers make the drill and discipline more a matter of study than the officers of the standing companies; and these troops evince a greater desire to improve, and more ambition to excel, than is found among the militia at large: the volunteer is, therefore, I think more efficient than the regular militia.

4th. There is no preference given for entering the volunteer militia, except, that on days of regimental inspection and review, these companies are not liable to drafts of quarter and picket guard. They have the power of establishing by-laws, determining what number of trainings they will have, in each year, not to exceed six; but these by-laws are obligations only on such as subscribe their names to them.

5th. The volunteer militia being composed, for the most part, of the young men of the trainband, who are naturally more susceptible of improvement, and who are more desirous to excel than those of a more advanced age; and, generally, bearing on their rolls those from the higher ranks in society, who may be liable to the performance of militia duty, these corps are apt to draw from the ranks of the regular militia the men most suitable to become officers: and such as, from their standing in life, their habits and intelligence, would, by remaining with the regular militia, become such examples as could not fail to have a beneficial tendency upon the improvement of the militia at large; it must therefore, I think, be inferred, that the establishment of volunteer militia does operate injuriously upon the standing militia.

6th. Not being in possession of the official returns of the militia of this State for the last year, I cannot answer the questions precisely. From the returns of 1821 it appears that the militia of Maine was then composed of—

Companies	of Infantry - - -	374
Do	of Light Infantry - -	42
Do	of Riflemen - - -	5
Do	of Cavalry - - -	24
Do	of Artillery - - -	27

The relative increase of companies since that time has been about the same in the different corps; but the volunteer companies are generally smaller in number than the regular companies. It is, therefore, estimated that the volunteers bear to the regular militia a proportion of about one to four.

7th. So long as there is no distinction of corps in the militia, so far as respects the infantry, light infantry, grenadiers, and riflemen, and so long as these corps are, as at present, attached to the regiments of infantry, it would be a source of difficulty and confusion to both, when paraded together, if the volunteer corps were subject only to laws of their own making. Even if the corps were distinct, the conferring such privileges upon the volunteer corps might operate to increase their numbers but would not necessarily promote their efficiency.

8th. A classification of the militia would, I think, be an improvement. Every one who has noticed the progress of improvement in

militia, as well as in the other situations in life, must have observed that the young more readily acquire knowledge than those more advanced. Their minds are more active, more susceptible of new impressions, and the buoyancy of animal spirits at the time causes them to enter with more avidity upon the studies of the theory, and their physical powers are better suited to the exercise of the duties of the soldier. After a private in the militia arrives at the age of thirty or thirty-five years, the cares of the world are fast pressing upon him; the occasion for calling out the militia seems to him to be further distant than the time of his discharge; it is with reluctance he submits to the drill, but passes through the ordinary routine of duty as a matter of necessity rather than pleasure. Whoever manifests any desire to become acquainted with the principle of tactics, or learn the theory and art of war, generally does so in early life; and, though the citizen soldier may be as valiant and ready to step forth in defence of his country at an advanced age as when young, still experience has taught us that such a one is not the greatest proficient in the art of warfare. There is a period in the tour of militia duty at which improvement seems to stop, though the capability to perform after that time may not be lessened.

9th. Age, rather than the single or married state, should form the distinction in making the classification. If the single or married state should be the line of distinction between the classes, there would be too great a disproportion between them. If the active class should be composed of the single only, it would contain but a small proportion of that energetic part of the citizens, which is the strength of the militia. If on the other hand the married only were embodied in the active class, the privilege enjoyed by the sedentary class would operate injuriously upon the state of society, and afford a class of men well able to bear arms, an unmerited exemption from military duty.

10th. If age should be adopted as the distinction between the classes, I think the term of service for the active class should be extended from the age of eighteen to the age of thirty years, the sedentary class to be formed of those between thirty and forty-five years of age. Such a period would come nearest to an equal division of the whole body of the militia; for it will be found that there are borne on the rolls, a greater number under the age of thirty-two, than above that age. The active class should be required to perform duty to an age until which there is reasonable ground to expect improvement, and the sedentary, should not include any within such a period. If there should be two classes only, no more proper period of division between them serves to be presented than the one suggested.

11th. The militia should be in such a state of organization, that it could be called into service at any moment the situation of the country should require its aid. If called upon to repel invasion, such is the local situation of our country, that we could scarcely expect the exigency to happen, without sufficient notice to give time to make many preparatory arrangements. But if we rely upon the militia to suppress insurrections, or to execute the laws, a momentary delay

might defeat the object and prove disastrous to future operations. If, when called into actual service only, the officers of the higher grades were to be commissioned, though the most capable should be selected, they would be unacquainted with the inferior officers, and with the troops of their several commands; they would not know the respective qualifications, or peculiar fitness of each for any particular service. Many officers of the lower grades must necessarily be superseded, and would therefore resign, or serve with a temper not suited to the occasion. If commissions are issued only to officers of inferior grades in time of peace, that inducement to excel, which is caused by the hope of promotion, would be almost wholly destroyed. Such a motive in the breast of the soldier is productive of splendid achievements in the army, and is not without its beneficial tendency in the militia.

12th. A period of service for three months on one tour, cannot but be attended with great sacrifice of life and treasure, and therefore productive of inefficiency. When it is considered, that a proportion of the militia is composed of men not inured to labor or hardships, but many of whom are engaged in the most sedentary professions of life, it must at once be admitted, that a sudden transition from their peaceful employments, to the exposure and fatigue of field and camp duty, must be dangerous to their health. A large part of the militia is composed of that class of the citizens, who depend chiefly on their daily labor, for the support of themselves and families. So long a detention from their usual avocations must be productive of suffering to their dependants, if not to themselves. If the latter evil should be remedied by Government's paying the militia for this service, the amount required for the purpose would far exceed the advantage gained by the arrangement. To the People at large, it would be a great inconvenience, if not sacrifice, for the citizens composing the militia to be called from their regular employments, for so large a proportion of the year.

13th. The militia in many of the States is trained from three to five days in each year, including the day of inspection, and the days of regimental and battalion musters. This is not found to be inconvenient; but the drills being had at different times in the year, between which there are long intervals, and in some instances occupying but a small part of the day, are productive of but little improvement. If at any one of these trainings, any thing is learnt by the soldier, the impression is lost before he is again called to exercise his duty. Again, the time devoted to the drill and exercise, at any of these trainings, is so short, but little instruction can be given; but few of the principles can be explained or practised upon; a large part of the system is therefore left untaught, and the troops are from year to year paraded to practice the same few simple unimportant exercises, without knowing any thing about the principles of tactics or their application to other evolutions. If these separate trainings, inspections, and musters, should be had on five or six successive days, a tour of duty might then be established, which would scarcely seem to be an

innovation upon the present system; it would be but a small sacrifice of time or treasure; nor would it subject the troops to any inconvenience. Such a length of time devoted to military duty every year, would afford an opportunity to introduce the principal part of the system of tactics, to practice much camp and field duty, and to perform a great proportion of the company and battalion evolutions. I should think therefore, that a tour of duty might properly be extended to the time above suggested.

14th. By the laws of the State of Maine, every commanding officer of a company shall parade his company on Tuesday following the second Monday of September, annually, at one o'clock in the afternoon, for inspection and drill; and on one other day in the afternoon, for company discipline, between said day of inspection and the review. The troops of each division are required to parade for review, in brigade regiments, or battalions, on some day betwen the third Monday of September and the twentieth day of October, annually, and no non-commissioned officer or private is required to perform any other military duty, or attend any other training, except the duty of attending at the election of company officers. On the approach of public danger, when in the opinion of the Commander-in-chief any of the exigencies are likely to happen, upon which the militia could, by the constitution, be called into actual service, the Governor has power to order other and further training and disciplining the militia, as he may deem necessary; and companies raised at large by voluntary enlistment, may establish by-laws, in which they determine what number of trainings they will have in each year, not to exceed six, which by-laws are binding only for such as subscribe their names to them. For neglect of duty, disobedience of orders, or unmilitary conduct, officers are liable to be tried by court martial, and if guilty to be sentenced to be reprimanded in orders, or removed from office, and adjudged incapable of holding any military office, under the authority of the State, for a term of years. If a non-commissioned officer or private neglect to attend any company inspection, he forfeits four dollars. For neglect to attend any brigade, regimental, battalion review, or company training, he forfeits three dollars. For being deficient in the arms or equipments required by law, he forfeits six dollars. For neglecting to wear a uniform, he forfeits one dollar. There are also penalties and punishments for disorderly conduct on parade. If any private is unable to procure the arms and equipments required by law, the select men of the town where he belongs are obliged to furnish them at the expense of such town. When different corps parade, join, or do duty together, the senior officer present, according to rank, commands, without regard to corps. At regimental or battalion parades, the companies form in regiment or battalion, according to the rank of the officers present, actually commanding them; excepting the cavalry, artillery, light infantry, grenadiers or riflemen, which by usage are detached from the regiments or battalions.

15th. In many parts of the country, the settlements are so scattered, that it is inconvenient for many of the citizens to travel to any central

point, to a regimental or battalion muster, and more especially to a brigade muster. These musters do not generally occupy more than one day, a great part of which is necessarily lost in travelling to and from the place of parade. But little time is left for the purpose of military duty, the whole of which does not often extend beyond the inspection, a review, and a few evolutions of the line. The occasion not unfrequently calls together more spectators than troops; and the time, in many instances, is unfortunately spent in indulgences, that are prejudicial to the morals of the community. I am therefore of opinion, that frequent musters, as they are at present regulated, are not advantageous to the great body of the militia.

16th. If any system should be adopted, different from that applicable to the army, I have no doubt but it would be an improvement to confine the instruction to the officers exclusively. And even if the army system were adopted, and but partially applied, very beneficial results might be expected from such a regulation. Without well informed and capable officers, but little can be expected from the troops; and it is the opinion of many intelligent officers, both of the army and militia, that a few months' drill in actual service, of recruits who have never before borne arms, will render them more efficient than the same number of years discipline in the militia. In Maine, the officers of the line in the militia, are elected. The Major General, by the Legislature; Brigadier Generals, by the field officers of their brigades; field officers of regiments and battalions, by the Captains and subalterns of their respective commands; and the Captains and subalterns, by the members of their respective companies. It therefore not unfrequently happens, that company officers, and sometimes those of a higher grade, are chosen, whose ignorance of the duty incapacitates them from affording any instruction to their troops. If the instruction should be confined to officers, much time, labor, and expense, might be dispensed with on the part of the troops; and it is submitted whether the officers would not in that case become the repositaries of much military knowledge, which, when the troops should be called into actual service, would be more advantageously afforded at once, than from time to time as it now is.

17th. The system of Infantry Tactics, directed by law, is not universally pursued in this State. But few of the officers are in possession of that system. In 1814, the Executive of Massachusetts, in pursuance of a resolve of the Legislature of that State, directed that the exercise and manœuvres of the militia should be conducted agreeably to the principles established in a work entitled "Maltby's Elements of War." A copy of this work was furnished, by the State, to each officer in the militia; and that system has since been almost universally pursued by the militia of Massachusetts and Maine, both before and since our separation. By the statute of Maine, of 1821, the Adjutant General was authorized to procure and distribute five hundred copies of the United States' System of Infantry Exercise and Manœuvres; but the State appropriated no money for the purpose, and the work has not been furnished to the militia.

18th. The system of exercise and instruction of artillery, generally practiced in this State, is that adopted by the Legislature of Massachusetts, upon the report of the Adjutant-General of that State, made in 1814. It is entitled a "System of Artillery Discipline," and was published in Boston, for the use of the militia, in 1817. The principal defects in this system are the very few principles and rules stated in it, and their limited application. The principles of formation and deployment do not extend to any larger corps than the company; and the position of artillery, when attached to or connected with other corps, is not defined. This system was adopted solely for the use of the companies of field artillery, and does not include any system of instruction or exercise for light or horse artillery.

19th. There is no particular system of cavalry tactics, that can be said to be in general use, in the militia of this State. Formerly the cavalry was drilled and instructed according to the principles laid down in a work entitled "Hoyt's Cavalry Tactics." The author was an intelligent officer of the militia of Massachusetts, and at the time this work was published, the principles and evolutions contained in it were as well adapted to the discipline of cavalry, as the state of military science would then admit. The alterations and improvements since introduced into the exercise and manœuvres of infantry and other corps have rendered a corresponding change in cavalry evolutions, somewhat necessary. Within a few years, a book, entitled "Cavalry Tactics," by Pierce Darrow, an officer in the Connecticut militia, has been considerably used by the cavalry of Maine. The work was published at Hartford in 1822. It is an improvement upon the system heretofore in use, and is well adapted to the instruction and discipline of the corps of cavalry in the militia.

I have the honor to be, sir,
With great respect,
Your obedient servant,
JOSEPH SEWALL,
J. Advocate 4th Div. Maine Militia.

Hon. JAMES BARBOUR,
Secretary of War, Washington.

CHILLICOTHE, OHIO, *August 29th*, 1826.

SIR: I observe by a circular from the War Department, of the 11th of July last, that, in obedience to a resolution of Congress at their last Session, you are about to prepare a complete system of tactics for cavalry, and for light and field artillery; intended to be a guide for the drill of this description of military force, throughout the United States. It would have been well if the resolution had included a system of drill and exercise for heavy and light infantry, and for foot and mounted riflemen.

I take the liberty of transmitting to you the following answers to the interrogatories contained in the circular, seeing that information

is sought for by the Department of War from all quarters, and from sources not known to the Department.

To the 1st Interrogatory. I answer, that the official returns of the militia of this State, will show an effective force of from 90,000 to 95,000 men; and I undertake to say, that if all men liable to do militia duty were duly enrolled, (which is greatly neglected by captains of companies within my knowledge,) it would shew, that our militia equals 110,000, or 115,000 effective.

2d Interrogatory. I transmit to the Department an act of the Legislature of Ohio of the last session, which will be more satisfactory and full.

3d. I should not hesitate to say (from my own experience) that the volunteer militia are most efficient, for the first five or six months after being called into active service; but the regular militia after five or six months active service, (if not disgraced by substitutes) under good officers (not regular officers) are equally efficient, if not more so. The militia, when called into active service, should never be placed *immediately* under the command of regular officers. They will not serve under them willingly. They should be commanded by those with whom they are in some measure acquainted.

4th. Will be answered by the act of Ohio, above referred to.

5th. I answer, quite the contrary; volunteers are always in a better state of discipline than the regular militia in time of peace. They embody themselves for mustering as a species of pastime. They drill often, and, from a spirit of emulation, acquire a very general and correct knowledge of the drill. This spirit of emulation extends to the officers and privates of the regular militia; and you can well anticipate the result. This, also, I have seen and felt.

6th. Will be best answered by the Adjutant General of this State, who has the returns before him.

7th. It will: That power exercised by them under the present and former laws of this State, has been of great advantage.

8th, 9th, and 10th. I should answer, no. Our young men are not *generally* the most active and efficient; neither are our elderly or middle aged men the most inefficient.

I had some experience at Camp Holly, in a six months tour of duty last war; and about nine months at Norfolk, which enables me to say, that, not only men past the middle age, say 35 and 40, but even married men of that age, are the most efficient soldiers; they have less ardor for the moment, but more firmness; they have less intrepidity, but more real valor; less fire, but more heat. I was a single man when in the service, and a very young one too; but when danger threatened me, I thought more, much more, of my sweet heart, than any other man thought of his wife and children. I never shall forget those feelings.

11th. It would not. We should have no authority under which to act in concert; through which to communicate; to which to appeal; to which to look; a body without a head; confusion, wrangling, neglect of duty; and every other imperfection would befal us, if we had no high general officers in commission.

12th and 13th. Surely it is; regulars should never be enlisted for less than five years; nor should drafted militia serve a shorter period than one year. The term of twelve months would give time to organize the drafts, instruct them in their duty, and fit them for one campaign at least. A shorter time would not do it. They will serve long enough to give time to raise new drafts, which ought to be ready to take the field at least one month before the time that the former drafts expire. This might augment the expense, but would save the blood of the country. Besides, a farmer, if called out on six months tour, in January or June, or at any time between these months, loses his crop; that is, he raises none for that year, unless he has negroes, or, in our free States, sons to raise it; he had then as well continue twelve months; for the other six is clear loss at any rate.

14th. Is answered by the act above referred to.

15th. I think not. I believe that militia musters of privates in time of *profound* peace, are useless. But query; can you get subaltern officers to serve, if you take away their command altogether? I fear you could not, unless they were paid for the time they would be required to spend in the drill of officers.

16th. It certainly would, if frequent, say 5 or 6 times annually, and to remain on drill day and night, for 3, 4 or 5 days at each time. But ought not the non-commissioned officers to be drilled also? I would suggest that the commissioned officers of each brigade should muster five times annually; five days each muster, under the command of the Brigadier General, and perform camp duty each night; and that, once a year, the Major General should call a muster of the commissioned officers of his division, to continue on duty under his command ten days, and perform camp duty; that the Colonels of regiments should cause the non-commissioned officers of their respective regiments to be drilled by the Adjutant three times a year, and perform camp duty three nights each muster, to remain on parade three days each muster, under his command; and that, once a year, the Brigadier General of each brigade, assisted by his staff, should cause a muster of all his non-commissioned officers of his brigade, to continue on duty five days and nights, &c.; and that each officer so on duty should receive such compensation as would remunerate him for the lost time, &c. This is a mere suggestion.

17th. So far as it is understood; Scott's drill is scarce; those who have it do not esteem it much; the students amongst us, who graduated at West Point, do not understand it. They have notions of drill different from any authors, or practice, which we have seen; and no two of those graduates can agree in their drill. Smyth's drill is preferred to Scott's; and some of our best disciplinarians think that Gardner's abridgment of Scott, or rather his *alteration* of Scott's drill is best. Scott's drill is a bad translation from the French—more good theory than prudent practice.

18th. We have pursued the practice laid down in whatever books we could by accident procure. Some drill by one author, and some

by another, and not a few having no author to go by, drill from their own inventions.

19th. I answer as last above. The uniform drill for militia should be plain and easy, and not voluminous. The book which contains the drill should have as many plates of the formation of lines and evolutions, as it has pages; whatever is written, should be explained in plates, if practicable. A book for general officers and field officers should contain the camp duty and drill of all kinds and description of troops. The books for other officers need not contain so much: for instance, the book for infantry (light and regular) need not contain the cavalry or artillery drill, &c. &c. as this; drill for regular and light infantry, - - - - - - - - - 1 Book
Field and light artillery, - - - - - - 1 do.
Cavalry and mounted riflemen, - - - - - 1 do.

Riflemen, a very small book, capable of being carried by the privates without incumbrance; as in this description of force, each man ought to know as much as his officers. They act almost individually. Thus, Sir, I have taken the liberty to address you freely in answer to the Interrogatories contained in your circular. I hope the freedom will not be grating to your feelings, as I have done it with the best intention, and from the great respect which I hold personally to yourself, as the former Governor of my native State, at whose call I once entered the service of my country; and whose call I shall never cease to obey; and under whose guidance and administration, the military glory of this country will never receive a blemish.

I am,
Dear Sir,
Your's, most sincerely,
WILLIAM MURPHY.

PHILADELPHIA, 14*th August*, 1826.

SIR: On the 25th July, I had the honor to receive your circular of the 11th of that month, and beg leave to offer the following answers to the several questions therein contained.

1st. The number of the militia of Pennsylvania, by the last report of the Adjutant General, is 165,618, of which about one-fifth are volunteers.

2d. They are organized in conformity with the act of Congress, with the following exceptions: besides a Brigade Inspector, a Brigade Major is attached to each Brigade by the act of Congress; the Brigade Inspector acts also as a Brigade Major. To each Regiment are appointed *two* Majors, one only being allowed by the act of Congress. 3d. Two Surgeons' Mates are allowed to each Regiment, the act allowing but one. 4th. A Second Lieutenant is alloted to each company instead of an *Ensign*; and five Sergeants and six Corporals, instead of four of each. The number of non-commis-

sioned officers and privates in each company is "not less than seventy, nor more than one hundred and fifty." Within the bounds of the first brigade of the first division, to each company of a volunteer regiment of Artillery and Infantry, are allowed four sergeants, four corporals, and sixty-four men—the former having one first lieutenant, two second lieutenants, (one of whom acts as *conductor*,) and one third lieutenant: and each company of Infantry having three lieutenants.

3d. The volunteer Militia are generally the most efficient—some of the corps are scientifically trained, by frequent drillings, and are always fitted for immediate service; and the rest of them may be considered so, under proper instruction, in a few weeks. I have never seen, in the common Militia of any of the States, in time of peace, any evidences of fit training for efficient service.

4th. Officers of volunteers take rank of Militia officers of the same grade, when their commissions bear the same date—and, after seven years of successive service, the members are exempted from Militia duty, except in case of invasion or insurrection. The volunteers retain their arms while they remain in their corps—I know no other instances of preference given, in Pennsylvania, for entering volunteer corps.

5th. I do not consider the establishment of the volunteer Militia as operating injuriously on the regular Militia.

6th. The volunteers of Pennsylvania are about 30,000—29,866 by the last return of the Adjutant General, but since increased, and the whole Militia, the first division, contains near 22,000 men, of which number upwards of 4,000 are uniformed volunteers.

7th. Volunteer corps in Pennsylvania "have power to make all necessary by-laws, rules, and regulations, not inconsistent with the Constitution and Laws of the State, or of the United States, to promote the interest good order and discipline of, &c.: and for fixing on, and giving notice of the times and places for parades and trainings." Such powers are necessary to all well-ordered volunteer corps.

8th, 9th and 10th. I think it would be proper to divide the Militia into three classes—the first of single men, between the ages of 18 and 30; the second of single men between 30 and 40; and the third class of men between 40 and 50—the two first classes to be called for service, in their order, as the *active* Militia—and the third class to be called the *sedentary* Militia, and only to be employed within their States and Territories.

11th. This question may, perhaps, be considered as involving points of some delicacy in regard to State rights, which ought not to be abandoned, in time of peace, at least, lest their bearing on the improvement of the Militia be in any degree unfavorable in time of war; however, I have no hesitation in saying, that the lower the grade of Militia officers called into the service of the United States, the better—and, especially, that where it becomes necessary to employ a *General Officer of the Militia*, one, or more army Staff Officers should

be attached to his command, carefully selected for their experience and tact.

12th and 13th. It is very seldom that militia can be rendered effectively useful, in a service of three months only, and such tours must always be attended with great sacrifices of treasure, if not of life. The longer the period for which they can be called into the field, the better. If, however, they have only entered for a short time, every endeavour ought to be used, in the very outset of their service, to induce them voluntarily to extend it; and, such endeavors, judiciously made by popular officers, before the novelty of a soldier's life has lost its charm, and before they have felt its hardships, will generally succeed. Offers of clothing and bounty, proportioned to the duration of the new enlistments, ought always in such cases to accompany appeals to the spirit and patriotism of the citizen soldier. As soon as the object of further enlistment is effected, the officers ought to be more carefully sifted, and those only retained who are really efficient.

14th. The Militia Law of Pennsylvania requires the regular militia to be paraded and trained on two days in every year, once in companies, and once in battalion or regiment: volunteer corps are required to train on three days, at least, of every year, and as much oftener as may be determined on by the by-laws of the corps.

15th. I do not consider frequent musters as advantageous to the great body of the militia. No correct instruction is received at such musters, and their effect on the morals of the People is positively injurious.

16th. If the officers were well selected, for their education, intelligence, and spirit, it would be highly useful to put them under a course of proper instruction; and, in that case, the oftener opportunities were offered to them of instructiug their men, the better. This remark must be taken in qualification of the last answer. No advantage can result from attempts to instruct the common mass of officers, unless composed of fit materials.

17th. The system of infantry tactics, directed by law, is pursued in our volunteer corps; in the militia no *system* of any kind is followed to any purpose.

18th. The volunteer artillery of my division pursue Lallemand's work, and a small elementary treatise prepared in 1814, for the artillery regiment of 600 men and 22 brass pieces, at camp Dupont on the Brandywine. Colonel Prevost, an excellent officer of *volunteers*, also makes use of Lallemand's manœuvres of the artillery of the Imperial Guards, of which I believe there is but one copy here; I will bring it with me to Washington.

19th. Our State cavalry have generally adopted "Herries' Instructions," &c. "adapted to the use of the Volunteer Cavalry of the United States,"—this work was prepared in Philadelphia, and published, I think, in 1812, at the request of the officers of a Volunteer Regiment of Cavalry then organized within this division. I consider it as a good elementary book.

In case of war it will seldom be necessary to resort to the drafted militia, as volunteers will generally be formed, ready for any service

that may be required, and new corps will be rendered, after a few weeks training, nearly as good as the old. I consider the attempts usually made to train the common militia by calling them together on one or two days in the year, as worse than useless. Assemblages merely for roll call, to maintain the organization of the regiments, and to collect the returns of strength, would be quite sufficient; if they are to be trained at all, the light infantry and rifle exercise only ought to be practised; such troops are never fitted to act in large bodies, but if practised in movements at extended order, and acting in small parties, and harassing the front flanks and rear of an enemy from covered positions, without attempting regular movements, in mass, they become formidable.

The Tennesseans in line and uncovered, as at Bladensburg, feeling their inability to change a position, would have fled on the first demonstration against their flank; and the Bladensburg militia, behind a breastwork at New Orleans, having no occasion to manœuvre, would have fought themselves into fame. The carriage of the common soldiers is said, and with truth, to be, in the touch of the elbow, and confidence in their officers—the militia man quickly loses the one support, and is seldom sustained by the other.

I have the honor to be,
with the greatest respect, Sir,
your most obedient servant,
T. CADWALADER,
Maj. Gen. 1st Div. Pennsylvania Militia.

Hon. JAMES BARBOUR, *Secretary of War.*

DEAR SIR: I have received your note of the 27th ultimo, "requesting my attention to certain queries" contained therein, "with such remarks upon them as I might deem useful."

I am not aware that I can give *you* any information upon the subject, as you have been longer in commission than I have, with every opportunity for making observations, and amply qualified to do so; yet I cheerfully comply with your request, and give my ideas on the queries, as put in your note.

First. "Are the regular or volunteer militia most efficient?

Answer. The volunteer militia are the most efficient; because, generally, they are better disciplined; the rank and file are more energetic and intelligent, with a high sense of their own and their country's honor; the officers have more experience, and are better fitted to receive instruction.

Second. "Does the establishment of the volunteer militia operate injuriously on the regular militia?"

Answer. They thrive best together. An efficient militia law will fill the ranks of the volunteer corps, and, at the same time, render the ranks of the regular militia respectable, by inducing men of reputable standing in society to parade, and men of intelligence and character to take commissions of any grade. The volunteer corps will be a nursery to furnish officers for the militia. If the officers under-

stand their duty, and can explain it in a proper manner, the men soon learn.

Third. "Would a classification of the militia be an improvement; one to be called the active, the other the sedentary?"

Answer. It would. You may call the classes what you please. I would call one the *elite*, the other the *reserve*.

Fourth. "In making the classification, should age, or the single or married state, form the distinction?"

Answer. Both. The *elite*, or first class, should consist of the unmarried, from 18 to 30 years of age; all others, from 18 to 50, should form the *reserve*, or second class.

Fifth. "If age, what are the proper periods?"

See *Answer* to No. 4.

Sixth. "Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?"

Answer. It is. Nineteen twentieths of the deaths that occur from change of habits, diet, exposure, &c. &c. take place in the first three months: it is just long enough to make a good man tired of the profession. Immense sums are expended in collecting the detachments; for baggage wagons—rations—uniform; for transportation of arms, &c. &c.: all of which is worse than lost, unless the period of service is extended, as troops are not fit to look an enemy in the face, without two or three months instruction under competent officers.

Seventh. "If so, to what period might it be extended?"

Answer. Not less than twelve months—the longer the better. If two classes are formed, let the *elite* remain in the field during the war, or as long as their services may be deemed necessary. The *reserve* ought to be called out only in cases of invasion or insurrection.

Eighth. "From your experience, are frequent musters disadvantageous to the great body of the militia?"

Answer. They are. But the fines should be sufficiently heavy to induce the great mass of those able to bear arms to parade. A correct system should be adopted for collecting the fines incurred by delinquents, for non-attendance on days of training; a judicious appropriation of the funds collected; and a rigid accountability in the several departments.

Ninth. "Would it be an improvement to confine the instruction to the officers exclusively?"

Answer. It certainly would not: yet officers' drills are very advantageous, and ought not to be omitted.

If the above remarks will give you any information, in addition to what you already possess, or confirm a nearly formed opinion, I will be greatly gratified.

I am, dear General, with great respect,

Very sincerely, your friend and humble servant,

R. PATTERSON.

PHILADELPHIA, 12*th Aug.* 1826.

P. S. I must plead personal indisposition, and illness in my family, for the delay of this communication. R. P.

To Major General CADWALADER.

WHITE MARSH,
Montgomery County, July 31, 1826.

GENERAL: I have received your circular of the 27th instant; and in compliance with your request, hasten to return you such answers to the several queries therein stated, as my limited experience and reading may suggest.

1st. Are the regular or volunteer militia most efficient?

Upon this point there can be but little hesitation. In my opinion, nothing can be more entirely inefficient than the militia, under the existing organization. Without arms, without any distinctive characteristic, in nine cases out of ten badly officered, they merely comply with the letter of the law, and repair to their colors, not from the elevated feeling of duty to their country, nor from the noble sentiment of military pride, but to save themselves from a paltry pecuniary consideration, or rather to avail themselves of an indulgence, without restraint, in all the immoralities of legalized misrule. Is it to be expected that such men, called into service, will be enabled to withstand a disciplined foe, and preserve inviolate the sacred soil of their country? It is not possible. But will they compose efficient and active tirailleurs? Equally out of the question; for, of all the troops of an army, its light corps must, necessarily, be its best constituted, and most inured to war. Of the importance of this truth, it will be attended with no small degree of difficulty to convince our countrymen. The idea, among them, is universal, that it is only necessary for a light corps to be taught to run and crawl behind stumps and bushes. Unfortunately, however, for the honor of the country, these are arts in which its militia are but too well versed. Such manœuvres may, indeed, serve every necessary purpose with a defeated foe, in full retreat; but, upon a day of battle, they will be found to be of little avail. To be perfectly cool, not to be seized with sudden or idle fears when beyond the immediate influence of their officer, to preserve unbroken their chain, to be able to retreat deliberately in the face of cavalry, join their reserves, form the square, then repulse the enemy, and, according to circumstances, continue their advance or retreat in the most admirable order,—these are some of the important duties of light troops; and are they to effected by an irregular, untaught, and unofficered militia? The question requires no answer. It may, however, be thought that I have exaggerated the evils that at present attach themselves to our militia system. Attend a militia muster, under its most favorable circumstances, in a retired country situation, and these evils are presented to your sight in all their enormity. Riot, drunkenness, and every species of immorality, are the order of the day, which the pageant boobies, called officers, have neither intelligence to anticipate, nor intellect sufficient to prevent. The man of spirit, though poor, remains at home and pays his fine, which is squandered, no one knows how, rather than submit for so many hours to so much degradation. All this is not the fault of the individual; for, under other circumstances, he becomes another be-

ing. The men who compose the volunteer battalions are likewise taken from the mass of the People. How are they distinguished? Invariably by their neat, soldier-like, and patriotic deportment. Their good sense selects, and elevates to stations of command, such of their comrades as are best fitted to establish among them all the requisite qualifications for which a citizen-soldier ought to be distinguished; sobriety, military precision, and, in fine, a general deportment that reflects not less honor upon themselves, than credit upon the community in which they move. It may be said, however, in opposition to all argument to the contrary, that it was the regular militia who gained the battle of New Orleans, who helped to decide the splendid sortie of Fort Erie, who repulsed the British at Sackett's Harbor, &c. But these men were no longer militia, in the common acceptation of the word—they had undergone "le baptême de feu;" they had imbibed the sacred fire of military devotion; their nerves had been made to thrill with the patriotic ardor and animated zeal of the gallant men who led them; and, to sum up all, they had before their eyes the noblest examples of chivalric valor and steady discipline, in the corps of regulars and *volunteers* by which they were supported. The worst disciplined regiment in the State, placed in the hands of a Colonel Wood, or a General Carrol, would, upon the instant, rise to the level of its destiny, and, impelled by the fire of genius and the spirit of liberty, at once become, like the heroes of Jemmapes and Fleurus, of Montenotte and Millessimo—of Fort Erie and New Orleans—immortal. It is only, therefore, by rendering the militia honorable, as in fact they ought to be; by inspiring them with the importance of the great trust confided to their care, of which, at present, they appear to be ignorant; and by rewarding the most worthy among them with posts of command, that they can ever become efficient, or be made to answer the end for which they stand created. Effect this, and the regular militia at once become more efficient than the volunteer, in the proportion of 135,000, the number contained in the State, to 25,000, the number of volunteers; otherwise, it were better to depend upon a corps of 25,000 well-officered, intelligent men, than lean upon a worthless expensive rabble of 150,000 men.

2d. Does the establishment of the volunteer militia operate injuriously on the regular militia?

I think not. It is true, it takes from the ranks of the regular militia the most respectable and spirited portion of its citizens. Still, these may be rather considered as raised to tolerable good schools of military practice, in which they are taught not only a spirit of emulation, and the necessity of a manly obedience, but likewise most of the elementary principles of the company and battalion drill, and are thereby made competent in case of war, or any great national emergency, to fill, respectably, more elevated stations in the line of the militia; or, according to their individual spirit and intelligence, qualify themselves as candidates for commissions in the regular army: and these are important results.

To the 3d, 4th, 5th, and 7th queries, I answer, generally, that a classification of the militia, regulated upon principles of regard to the

rights and conveniences of the mass of the citizens, and enforced with impartiality and an eye to the moral habits of the individual, as well as to his physical qualifications, would be attended with beneficial consequences.

I think it, however, a matter of the greatest moment, that, in all changes to be effected, or laws to be framed, hereafter, on this interesting subject, the principle of appeal to the spirit of national pride and patriotic devotion, should be zealously and ardently developed. How was it, that Rome marched to universal conquest? By inspiring her citizens with a sentiment of proud superiority over all other people. By keeping alive their tone of moral feeling, by convincing them that no nation could advance far in the road to either happiness or fame, whose citizens were not taught to pride themselves not less in the knowledge, than in the strict practice, of their duties. It is not meant to be insinuated that the policy of Rome, in her plans of conquest, is a policy to be imitated here. Yet is she to be viewed as a bright exemplar, in that particular relation to her citizens; for what can be expected of men acting under a consciousness of universal contempt, and individual distrust? Remove then the stigma, which at present forms part of the system; let not commissions be bestowed by a few idle, worthless, individuals, but make it obligatory, if that appointing power must remain with the People, upon a clear majority of the whole, to decide as to the qualifications of those to whom such important trusts are to be confided: for, it must appear most evident, that no permanent improvement can be effected in the militia system, so long as the majority of its officers continue to be composed of men, possessed of neither energy nor intellect sufficient to meet any emergency in which they may be thrown.

By the present limitation, as to age, the country is deprived of the services of a large portion of its most prudent, its firmest, and most sensible citizens. From the soundest experience, too, it appears certain, that, between the ages of thirty and fifty, man continues in his full vigor, and, of course, best calculated to endure all the toils of labor or of war. Every individual, therefore, between the ages of eighteen and fifty, should be liable to the performance of military duty. Now, this extension of the limitation as to age, becomes the more important in the contemplated classification of *active* and *sedentary* corps —a classification that would certainly be considered an improvement.

I do not think that any distinction ought to be made between the single and the married state. If any, let it be viewed in the light of an honorary distinction: as, for instance, let the married man be considered as attached to the active class until the period of his 35th year, at which time of life let him be promoted and enrolled with the sedentary class. The same privilege should not, however, be extended to the single man until he shall have attained his 40th year.

The "*active militia*" then, the light infantry of the State, will be composed of all able bodied free born citizens, between the ages of eighteen and forty, with the above exception in favor of the married men.

The "sedentary militia," who may be looked upon as the grenadiers of the Republic, will be composed of all able bodied free born citizens, between the ages of forty and fifty, with the addition of the married men who may have passed their thirty-fifth year. But no citizen should be permitted to parade under the sacred eagles of his country, whose personal appearance would not bear a rigid inspection, and indicate a sound tone of moral habit. If he possess not this moral habit of his own free impulses, the law should enforce it upon him, and thereby teach him both the light in which he stands to his country, and the honorable trust she reposes in him.

The "active class," comprised as above, should always be held in readiness for the service of the State; and such portions of it as may be required, not be called out for a less term than twelve months, the State, of course, possessing the right of disbanding, at an earlier day, should their services no longer be needed: for it is particularly important that a militia corps should always be embodied, in a camp of instruction, at least three months before it may be called upon to face an enemy in the field. Had this measure heretofore been pursued, what an amount of honor, as well as of treasure, might not have been saved to the nation! It is scarcely necessary for me to add how completely inefficient is a corps of raw, undisciplined men, commanded by inexperienced officers, in the face of a warlike and determined foe.

To the "sedentary class," might be allotted all points of local defence; nor should it be called out, except for the purpose of keeping up its organization, or to repel foreign invasion; when it might be made to constitute a firm and effective reserve.

In addition to what has already been stated in reference to the 6th query, I beg leave to mention a moral evil that results from the short period of service of three months, and which, added to the great sacrifices of life, and treasure, and honor, that have always been attendant upon it, may be deemed conclusive against it: I allude to the fact of the citizen's, under such a call, only having been in service long enough to contract disease and disgust; then he is sent home in a complete state of moral as well as physical prostration, to be cured by his friends, to diffuse his discontent of the service throughout his whole District, utter his complaints against his Government, and even cry down the righteous cause in which his country may be engaged. Indeed, to me it was evident that to no other cause could the great direlection of duty on the part of so large a mass of our citizens, during the late war, be more properly imputed than to this very one, which, as may be readily supposed, was eagerly seized upon, and used as a powerful lever, by the factious and disaffected, to aid them in their unholy purposes. As to the 7th query. I will add, to what I have already stated, that I do not conceive that a corps of militia can be made to answer any very useful end, if called out for a less period than twelve months.

To the 8th I answer, that, under the existing state of things, the frequent musters of the militia certainly produce no good effect, and, in a *moral* as well as a military point of view, may be deemed most deleterious in their consequences upon the habits of the citizens at large.

As to the 9th query, it is conceived that no degree of instruction will ever qualify a man of low or vulgar habits of mind for the task of properly commanding a body of freemen.

I have the honor to be,
With respect and esteem, General,
Your obedient servant,
JNO. G. WATMOUGH.

Maj. Gen. THOMAS CADWALADER.

August 16, 1826.

DEAR GENERAL: I enclose very short answers to the questions proposed by the Secretary of War.

I think so badly of the Militia System, that, in my opinion, it is impossible ever by its means to accomplish the objects for which it was intended.

The instruction of the soldier is derived from his officer, and we have certainly *none* in the Militia (under the rank of a Major General.) The *Cadre* is of no use, except to enable our Government to draft the men, and a conscription (to which we shall be driven whenever our homes are attacked) would be as effectual. But even had we the men, they would be useless for the want of leaders and instructors. For these instructors we must depend on the United States, or we must form them at home. At no very distant period, we shall probably have a body of State troops, but, in the mean while, upon the Militia no reliance can be placed. Their very numbers prevents the possibility of disciplining them; and that number must be reduced exceedingly, before the resources of our State, or even of the United States, would be equal to the requisite expenditure. There are in Pennsylvania about 160,000 men upon our Militia returns. Of these, (by estimation) about 5000 are between the ages of 21 and 22. Were every inhabitant of the State, of this age, required to perform one tour of duty, comprising six or eight months, we should have a small army, always organized, the officers would have some experience. and the soldiers acquire that most important of all qualities, the habit of obedience. In a few years, 20 or 30,000 men, all of whom had *served*, would be scattered throughout our State, and might be assembled at short notice. A war would probably be necessary to induce our legislatures to adopt such a plan, and incur the enormous expense incident to its accomplishment. But such a one might, I think, be made effectual, and with it, perhaps, might exist that most unmilitary feature. the election of the officers: for, their electors would reflect well before they placed themselves under the control of one whose powers were great, and upon whom would depend the comfort of their whole time of service. The mode pursued in the appointment of the French non-commissioned officers, would, if *sufficiently democratic*, be preferable. They are, I understand, selected by a board composed of the Colonel, a company officer, and a representative from the privates.

In these "piping times of peace," my only hope is in our volunteers. They already amount to 20,000 men : more, in number, than we shall probably want. They require, however, a complete and minute re-organization ; the regiments, most of which are mere skeletons, should be consolidated or filled up by bounties or supplies, and directed to adopt the same uniform. More extensive powers should be given to the officers, and the soldier subjected to some description of punishment more severe than the trifling fine at present imposed, for the highest military offences. Field service can scarcely be expected from this description of force : but, by procuring a convenient place of parade, furnishing music, and taking care of the arms at the public expense, they might be induced to devote considerable time and attention to their improvement.

After all, they will always remain very deficient in discipline, but their officers are generally intelligent men, and under the excitement of active service, would learn their duty rapidly ; then, and only then, their instructions will really begin ; and we must be content to find ourselves at first with a force merely nominal.

Very respectfully,

Your obedient servant,

H. I. WILLIAMS.

Maj. Gen. CADWALADER.

Answers to Questions proposed by Major General Cadwalader.

No. 1. In Pennsylvania, there is certainly no comparison between these descriptions of force. Our Militia are worse than useless—our volunteers might be made tolerably efficient,

No. 2. The regular militia can never be respectable, while a sum so trifling as two dollars is received as a commutation for personal service. Very few decent men ever appear in their ranks, and as the expenses of the volunteers are ten fold greater than would be necessary to exonerate them from all military duty, those only who are fond of it join our uniform regiments. Were they not volunteers, they would never be militia men.

No. 3. As the duties of these classes are not specified, it is difficult to decide upon the propriety of this arrangement.

No. 4. In every classification, age would be, I think, the better distinction. A large number of the most valuable members of the volunteer companies to which I have been attached, were married men. This change in their situation seldom prevented their attendance on parade. These men, it is true, were generally in easy circumstances, but the women of the poorer classes contribute so much by their own labor to the support of their families, that, unless encumbered with large families, they would suffer little by the temporary absence of their husbands.

No. 5. If the Militia are to be divided into two classes, one of which only is to be called into service, the limit should be as near 21 as possible ; taking care, of course, to include within it a number of

men sufficient for any exigency. After 30, no one, in time of peace, should be expected to perform any militia duty.

No. 6. and 7. The waste of life and *materiel* is always great among raw recruits; and, if the Militia are to be brought into the field, their tour of duty should be made as long as possible. But I cannot believe that the slightest advantage would result from calling them out, unless under a discipline totally at variance with our ideas of personal liberty and equality.

No. 8. All the musters at which I have been present, so far from being "advantageous," were always scenes of the lowest and most destructive dissipation, where nothing was to be acquired but the most pernicious habits. From the ignorance of the officers, and inattention of the men, instruction was entirely out of the question.

No. 9. Any thing would be an improvement which diminished the numbers assembled on these occasions. But, unless their instructors had greater powers and more information than our Militia officers possess, I should hope little from this arrangement.

H. I. WILLIAMS.

A "militia system" is desirable in the United States, not for the purpose of encouraging a martial spirit in time of peace, but to provide means of necessary defence in the event of war. Arrangements are therefore to be made, which will not materially interfere with the pacific policy of the Republic, and yet will so adapt its resources to its possible necessities, that they may afford the most effectual aid in time of need.

The "efficiency" of a military body is proportioned to the extent with which it combines *discipline* with *numerical force*.

Of the two ingredients, discipline is the more important, both because the largest body is weak without it, and because there are positive difficulties in the organization and preservation of a very numerous force, some of which must exist, notwithstanding the best established discipline, and all are greatly aggravated by its absence. A large number of men may, without much effort, be occasionally collected for militia muster in the way that such assemblies are usually got together. The idle and dissipated are induced to accept the summons from one motive, and those who are not able or not willing to pay the penalty of absence, from another. But assemblies of the idle and dissipated thus convened do no good, and the neglect of work by the industrious poor does much harm. Indeed it would be impossible to muster the whole class of citizens, who are adapted by their age to military duty, sufficiently often to teach them the simplest elements of military knowledge, without calling them from their usual occupations more frequently than the object would justify. There is no such extreme necessity for hostile preparation as will compensate the country for a sensible diminution of its productive industry in every department of labor. The emergency of war is always contingent, and

generally remote. Manufactures, public improvements, and the cultivation of the soil, are objects which claim perpetual encouragement and must enjoy an uninterrupted supply of artisans and laborers, or they will languish, and injury to the general prosperity of the country will ensue. The ordinary trainings of the militia (as they are called) are certainly not so conducted as to prepare the individuals who partake of them, either for the patient self denial of camp discipline, or the more active employment of the field of battle. Still less probability is there that these individuals, whose only experience and knowledge are derived from the merry meetings of a few muster days, will become instructers of others who must fill the ranks when actual service is required, and will look to the example and precepts of their comparatively better taught comrades, for lessons of duty. Strong objections to these large meetings are stated with the force of reason and authority, in the 29th number of the Federalist.

The difficulties arising both from want of instruction, and neglect of other pursuits, are greatly diminished by substituting for a general militia, well organized associations of volunteers. They contain for the most part a larger proportion of person, whose temporary absence from their civil concerns will cause neither private suffering, nor public loss. They are formed with readiness, because they spring not from necessity but choice: And the same feeling of alacrity which leads to their formation, preserves their existence, and animates their zeal. Their appearance attracts distinction; distinction inspires them with pride; and pride induces an exertion to merit, by attention, and study, and exercise, the notice which they receive. It is cherished together with a spirit of becoming rivalship, both by officers and men, as the best incentive to activity and rapid improvement. Advantages such as these (which the ordinary militia do not possess,) are calculated to ensure to a volunteer force, one of the great requisites in view. But while the smallness of the body facilitates its advancement in discipline, it may expose it to dangers which discipline alone never can resist, arising from the combination of numbers, and discipline in an enemy. The difficulty thus exhibited is not in reality so important as at first sight it appears.

1st The arrangements made during peace, are not designed as a system in all respects perfectly adapted to a state of war, without modification or change. They are a bases on which a tower of strength and defence must be erected, when danger comes. If inferences may be drawn from past experience, the extent of the volunteer peace establishment will be such as to create a large body of officers, who will be able to communicate to others the information which they themselves have already obtained. A cardinal virtue of the system consists in its capacity of enlargement, as occasion may require, for the purpose of embodying with its original elements, various additions. The newly formed parts taking their tone and character from those already existing, both will acquire, or display together, qualities which depend less upon previous habit and exercise, than upon natural vigor, hardihood, and dexterity.

2d Although, during all ages, great armies have occasionally been brought into conflict, yet by far the greater number of battles have

been fought with comparatively few troops. Immense masses of armed men have indeed been collected to sustain the recent European wars. In the battle of Borodino, no less than an hundred thousand men are said to have been slain. Still the value of small armies has been proved in numberless instances. They have often withstood the encroachments of powerful invaders, and produced great changes in the destinies of nations. The battle of Pharsalia was won with twenty-two thousand men.

3d. The great engagements which have taken place within a few years on the Continent of Europe, have occurred within reach of a crowded population, where nearly the whole military force of several nations could without great difficulty be brought to bear on a single point.

But, were it possible in the United States, to bring together all their militia from the immense distances which it would have to pass; the very extent of vulnerable position would require that it should be kept divided. Our territorial wars must, from the nature of our position and institutions, be almost entirely defensive. Navigable streams, and multiplied canals, must be relied on for the transportation of an adequate force, wherever danger threatens. It is impossible to keep concentrated in one spot a large body, which, from the peculiar burthen it would impose on a part of the country, or the heavy burthens it would impose on the whole, ought not, and from the scattered nature of the population cannot, be formed from the inhabitants of a particular vicinity. The constitutional calls to which the militia are liable, are few, and totally inconsistent with the principles of offensive war, which characterise the policy and practice of European Sovereignties; they are limited to the necessity of executing the laws of the Union, suppressing insurrections, and repelling invasions.

4th. The United States are placed at a distance from almost every other nation. A distance which renders extremely improbable an attack from a very numerous enemy. An European foe must transport an army at an expense and risk which will rarely be hazarded to gratify the resentment which prompts to offensive hostilities. There is little danger that any force which might arrive, would not be encountered by one at least of equal number, without calling into the field the whole body of the adjacent population, or at least without placing the whole of it in the ranks of fighting men.

5th. Great probability exists of adequate increase of volunteer troops on the approach of war. Experience has shown their rapid multiplication in case of emergency. Example is always contagious. Many imitate their friends and neighbors, without precisely understanding their own motives; and not a few are moved by the spirit-stirring influence of military glory. There were in England and Scotland, in 1812, no less than eighty-eight thousand volunteers, and the whole local militia of Great Britain amounted to but 196,446.

6th. Should a deficiency appear on the day of trial, recourse must be had to adventitious aid; or rather, if apprehension be entertained that it will exist, provision must be made in time to prevent the evil.

This may be done, 1st, by great inducements offered in time of peace; exemption from serving on juries, and from personal taxes, may induce the formation of volunteer corps; and public marks of honor and respect, and even rewards for high proficiency and skill in the theory of war, will keep alive a spirit of emulation, and lead to successive improvements in military knowledge. 2d, If volunteers do not freely present themselves, provision may be made to divide the corps already formed, into various new bodies, and fill up their ranks, thus thinned, by draughts extending in succession through the whole circle of able bodied citizens between eighteen and forty years of age. No draughts, however, to be made except in the event of actual or threatened war. These provisions will require the co-operation of the State Governments. But no efficient system can be devised that will not look to an union in measures which deeply affect both the general welfare and that of each Commonwealth; and both must cheerfully combine in them, or the whole scheme must fail.

These views contemplate an entire substitution, in time of peace, of volunteers, for what is termed the "regular militia;" and even in time of war, a hope that the substitution may be preserved. Musters of this last description of men may perhaps in some places be so conducted as to avoid positive evil; but they must be differently organized from those which are seen in Pennsylvania, where no plan has yet been devised which has resulted in practical benefit. Better than this would be their entire disuse. Volunteers may be frequently called into the field, and taught to undergo, not the ennui of military idleness, but the wholesome discipline of military labor.

After all, reliance must be mainly rested on a different force. Militia troops have undoubtedly, in many instances, not only made a gallant and successful resistance, but have displayed daring efforts of the most romantic valor. It is of a Russian militia, that Sir Robert Wilson, in his Sketch of the Campaigns in Poland, relates such heroic incidents: "Comrades, go not forwards into the trenches,' cried out a retiring party to an advancing detachment, 'retreat with us, or you will be lost, for the enemy are already in possession.' 'Prince Potemkin must look to that,' replied the commander, 'for it was he who gave us the order. Come on, Russians! said he, and his men marched forwards, and perished." The defence of New Orleans, which forms so distinguished a feature in the annals of our own militia, was not only brave in conduct, but miraculous in success, and in the relative results to the opposing combatants. Yet history is full of proofs, from the fall of Carthage down to modern times, that a mere militia cannot withstand a succession of conflicts against regular troops. Courage they may possess, and in a degree equal, and perhaps superior, to that of professional soldiers, who have less interest in the soil. But the endurance of patient preparation, the fortitude which consists in submitting to daily and hourly hardships, with only the promise of occasional relief, by exchanging them for the excitement of danger, and active exertion, can be gained only by time and a total relinquishment of the habits and hopes of civil life. Besides, the

militia in any form is composed of materials too valuable to be made the victims of wanton exposure or unnecessary toil. The brunt of war must be borne by those whose gallantry may exalt the character of their country, while their loss will not remove its best support in better times, or darken its most brilliant triumphs with lamentation and sorrow.

J. R. INGERSOLL.

August 4, 1826.

NEW YORK, 6*th September*, 1826.

SIR: I have had the honor to receive your circular upon the subject of the militia, and will proceed to make such remarks as the nature of your queries have suggested; omitting the 1st, 2d, 6th and 14th, as they have reference to facts, best known to the several State authorities.

Although it be known that discrepances do exist between the United States' militia laws and those of the States, and, also, that the laws of some States are not in accordance with those of others, still I have not the means of comparing: it is, however, evident, that the United States' laws have been the basis of the State statutes.

So far as I have had occasion to observe the organization of militia in South & North Carolina, New Jersey and New York, during my service with them in the late war, the evils of malformation, disproportion in the various "arms," and imperfect instruction, were in a degree attributable to apathy and neglect. It has generally been the case, that but few members of our Legislative body have given the subject of the militia a careful examination; a general desire has been evinced, the rather to make the statute conform to the habit of avoiding militia trainings, than to give the citizen a just view of his duties, and to enforce their observance by law. The evils mentioned are not only consequent of neglect and imperfect laws, but, also, of erroneous and degrading estimates of the use and value of a militia, and, from the relative locality of the population, they can only be remedied by a patient examination of the subject, and by the application of a proper system of instruction.

The subject of organization has something to do with arms and equipments. That these are not in conformity with the United States laws is well known; the fancy of volunteers being a common guide to their choice, while the use of muskets and fowling pieces of various lengths and calibres, promote the usual disposition in the ordinary militia, to pass muster with as little of either uniformity or of service as possible. On the subject of uniformity of arms, it cannot be effected until an efficient mode of supply be adopted; it would require nearly a century to arm the present militia, by the existing means, at the expiration of which period the increase of population would fourfold the number of the militia. It has occurred to me, that, if a

bounty were to be paid to each citizen who would arm and equip himself as the laws should direct, passing the inspection of an ordnance officer, uniformity and arming the whole would sooner be effected, through an encouraged manufacture, by private means, than by any other legal provisions. I do not mean to disapprove of United States armories; as such, they are important and useful.

In reference to your third query, there cannot be a doubt that, while the gratification of novelty has its influence, the volunteer corps will be better armed, equipped, and more frequently trained than the ordinary militia; and if this initial spirit could be kept in activity under one system of instruction, aided by a desire to improve, that will here and there be found in every corps, volunteers would be the best means of assembling and training the citizens of the country. But I have observed volunteers gradually to deteriorate to a grade of worth certainly not superior to ordinary militia, and if a choice between volunteer, and no service at all, were permitted, our militia would soon cease to exist.

Of the 4th query.—There are youth in all populous communities who are desirous of forming volunteer corps—some induced by an aspiration to become useful, others by privileges and exemptions from fines, &c. The chief evil, where a desire to form such corps exists, is an erroneous estimate of the true object of such associations. There are also many who wish total exemption, arising from indifference and a want of respectability and admitted usefulness in militia trainings—a fundamental error, which has its root in lack of proper instruction in boyhood, and in a vicious and traditionary habit of drawing contemptuous comparisons between militia and regular troops.

On the subject of the 5th query.—It has been frequently observed that the union of the volunteer corps with the ordinary militia, has had the effect to depress any emulation that the latter might exhibit, by reason of wounded vanity when comparing the trappings of a volunteer with their own shabby and ill suited supplies. If any advantage is to be derived by comparisons of this kind the corps should not be commingled.

In reply to the 7th query.—If, by being permitted to enact their own by-laws is intended only to allow volunters the regulation of their dress, and the times and places of meeting, I do not perceive that any evil would arise from such permission. But no discretion should be permitted in relation to the kind and dimension of arms, nor variety in equipments, formations, camp furniture, or instruction. Should volunteers have power to make any rules in these particulars, it would destroy uniformity, and render nugatory any militia system.

In reference to the 8th, 9th, and 10th queries, my opinion has been formed for years that the freemen of this country should be enrolled in two classes, from the age of twenty-four to fifty-one years; all other ages exempt, except for volunteer service. The first class ("active,") to be formed of ages between twenty-four and thirty-six years, and to perform duty at any point whatever. The second class ("sedentary,") to be formed of ages between thirty-seven and fifty-one

years, and to do duty within the county where they reside. I do not approve of separating the single from the married state; such a division would weaken mutual dependence, and diminish respect for matrimony. This classification would encourage the young to seek instruction and to form volunteer service. The ages between twenty-four and thirty-six could leave home for distant service with more efficiency and with the least domestic evil; the cares of the female could be easier discharged in this period, by reason that the children would be young, and easier dispensing with the control of the father than when older. The farm and mechanism could be conducted by the elder class, aided by the youthful and older exempts; the younger exempts liable to instruction, but free to form those connexions in life to which their age is prone, and upon which the happiness of life and the strength of the State much depends.

In reply to the 11th, 12th, and 13th queries—I do not perceive any good reason why a higher grade than that of Colonel should be commissioned in the militia in time of peace; a division is then not of necessity embodied, nor is it requisite for any purpose of instruction that a larger body should be assembled at one point than a brigade or two battalions, which the elder Colonel should be qualified to instruct as well as a general officer, and thus do away with the worse than useless degradation of the qualities of a General, by conferring the place, as is too often the fact, where talents are not commensurate with the functions of the rank. The time and expense consumed in assembling more than two battalions is not compensated by any result of instruction. Every manœuvre of the line can be exhibited by two battalions; and unless the militia by divisions can be retained in the field for a long period, little or no instruction can be obtained that could not be acquired more readily by a brigade.

In relation to commissions and the selecting of officers, it would seem that the genius of our Government requires that the company officers should be elected by the companies. The field and staff officers should be selected and appointed by the highest legislative appointing power.

In reply to the 15th, 16th, and 17th queries, I am of opinion that frequent musters, of larger bodies of men than companies, are sufficiently beneficial to compensate for loss of time in assembling larger corps. It appears to me that Camps of Instruction for two or three months cannot be established in the country, and, if they could be, I question their utility in time of peace. It seems to me enough for the Militia to be assembled by regiments once a year, and when the locality of the population will justify, by brigades, the day following the regimental muster, once a year; by companies four times a year; by company officers at least eight times. The officers, commissioned and non-commissioned, of each regiment, should assemble once a year, to be examined by a Regimental Instructor, who should be commissioned by the State authorities to hold his commission during good behavior, and whose duty it should be to furnish every officer, commissioned and non-commissioned, with instruction, and to attend each company once a year. Upon the regimental exa-

mination, such officers as are proficient should be reported to the Legislature, and rewarded with some suitable mark of distinction; those who neglect to attend, and those who remain ignorant, should be fined or dismissed. The course of instruction for Infantry should embrace a knowledge of the cleaning and repairing of arms, the construction and preservation of ammunition, the school of the soldier, company, and battalion, and the common formation and police functions of a camp and a march. These should all be in conformity with the United States' Regulations; which, as far as my observations extend, are not yet in general use with the Militia, though they are becoming popular; and it is very desirable that those regulations should be simplified, and rendered applicable to the Militia, and to elementary instruction in schools.

The Artillery, in its organization, should have some fixed proportion in numbers to the Infantry. There is a great defect in that particular at the present day. The instruction is very imperfect, and the constructions of that arm are frequently in conformity to the fancy of some local authority. The unfinished work of Lallemand is but little known or used. The old book of Colonel Stevens is usual, and I believe they have in New England a later compilation. A treatise upon this arm should of course emanate from the authority of the United States; but, for Militia, it should include no more than a few clearly detailed elements, including a precise account of the construction and means of preservation, with a simple course of drill for the field and for the camp.

In reference to Cavalry Exercise and Manœuvres, it must be admitted, from the long training which is essential to acquire a knowledge of the character and disposition of the animal which the soldier rides, and also the constant instruction necessary for the horses themselves, that, unless there be some actual school for this arm, militia cavalry will remain for a long time in a very inefficient state. I will close these remarks by alluding to some further causes which have retarded improvement in the organization of the Militia, and suggest some means of melioration.

The formation and training of our Militia was based upon a monarchical system, and it cannot therefore be surprising that such an organization should be adopted by men who were born and educated under a Monarchy, nor is it a cause of wonder that the sons should follow the traditionary ideas of their fathers, on a subject which had been but imperfectly treated.

The low estimate in which militia duty is held, and the idea that its functions were a disreputable servitude, may be traced to our Colonial dependence, and to imitation of English institutions.

The Militia of England were not in those days estimated as the defenders of the Realm; that honorable distinction was bestowed upon mercenaries; the Militia was therefore an inferior grade, and its officers depended then and now upon the crowned chief of a standing Army for their commissions, and for any appropriate distinction in society. Although the laws of this country acknowledge no such de-

pendence, still it cannot be expected that impressions of early life, strengthened by imitation, could be suddenly obliterated, or changed for the better.

The elementary books which our children read are English, and and we have very little instruction given in the country of a peculiarly American character, and, consequently, education is not suited to the genius of the form of Government under which we live. When we consider the simplicity of that social compact which sustains the Confederacy, the relation which subsists between its constituent parts; the dependence of one State in the exercise of its will upon the forbearance of another: the welfare of one citizen upon the countenance of his neighbor, it must be admitted that the durability of the Confederacy depends in some degree upon the adoption and application of a judicious Militia system, through the means of early instruction. There are various modes by which this end could be gradually obtained. That which appears to me to promise success, would be for each State to endow an Academy for the express purpose of educating and forming Teachers in all the requisite branches, the Teacher to be located at the head of a school in each county, and, gradually, one in each town and district. Although it may appear visionary to the multitude, yet, by the reflecting, it must be believed, that, if our elementary books and teachers could instruct children of proper age in the principles of the Constitution, and the duty which they owe to the State, as well as that which they owe to their parents and neighbors, the country would, in a reasonable time, see the means of forming, among other institutions, an orderly and intelligent Militia, and our Legislative bodies becoming better acquainted with that subject, at least, than they are at the present day; for, although there be no period of life in which a man may not acquire knowledge, yet, instruction given to youth is received with greater facility, and its impressions remain more durable than that which is attempted in riper years; and an habitual sense of duty, inculcated in early life, is more to be relied upon for good effects, than precept and example can ensure when delayed to manhood.

The habits of camp life, and the various and complicate experience which are the result of campaigns, cannot be expected to be obtained in any other way than by actual service. But the numerous facts with which military history abound, may be made familiar through scholastic instruction. Such information may with propriety be considered superior in usefulness to much that is forced upon the youthful memory. Nor need any fear that a knowledge of such matters may endanger the State. It is an idle notion, derived from design or ignorance, that a knowledge of military subjects may be dangerous to Republics. Knowledge can never be prejudicial in a country like this: on the contrary, it would enable its possessor to avert real dangers. It would, therefore, be a blessing to have our schools enabled to turn out their pupils instructed, in addition to other and usual elementary matters, in a knowledge of the duties of a citizen to support and defend the State; and if the accurate and practical knowledge which

campaigns and warfare can alone impart, is not thus to be obtained; still the elementary can be acquired, and, what is of great moment, it would be seen that knowledge of the means of defence would not unfit a citizen for any and for every other duty which he might owe to his family or to the community.

With great respect, your humble servant,

J. G. SWIFT.

To the Hon. JAMES BARBOUR,
Secretary of War.

To the Honorable
The SECRETARY OF THE WAR DEPARTMENT:

SIR: The Legislature of our country has announced the necessity of establishing a regular course of instruction for the Cavalry and Light Artillery services, and for improving the organization of our Militia; and your circular of July last, announcing the formation of a military committee of superior and experienced officers, for these purposes, calls for information from every quarter, to digest it into a general system, which may form an epoch in the present rapid improvement of our military information and institutions. I have deemed it, in consequence, my duty, as an American officer, and as already employed by your special order, on these very subjects, to submit to your better judgment, and to that of my superiors, the results of whatever experience I may have acquired during a long course of education in the first military school in Europe, and some years of arduous service in the cavalry of the French armies, where I have had occasions to observe and study the regulations of the troops of that arm, in almost every other nation in Europe, who all either served under our standards or were opposed to us.

Without entering into any discussion with those whose prejudices oppose the establishment of any permanent and regular system of defence, and whose ideas are sufficiently refuted by the decided expression of public opinion, numerous and plausible reasons are usually advanced against our maintaining any considerable force in cavalry. And it is undoubtedly true, that, from our distant and insolated situation, we have less need of it than any nation which requires a regular army for its defence. But have not these objections carried us too far, in engaging us to suppress the only corps in our military establishment, and leaving our mounted militia without any system of organization and instruction? The instructions of Davies and others, which they follow in some States, are only imperfect abridgments, founded on the very vicious theory of the British cavalry, and their practice is nearly confined to marching out and parading, on some public occasions.

1st. It is true that the necessity under which any European enemy must lie, of sending troops of this description against us by sea, and the shattered state in which they must arrive on our coasts, will

probably prevent them from ever assailing us with such a force in any formidable numbers. And, as for our neighbors of Mexico and South America, if we have any contests with them, we are yet divided by desarts of too vast extent to come to close contest by land. But if we are not exposed to be attacked by any numerous force in cavalry, we forego an immense advantage over every invader, in not securing it on our own side. A body of troops, harassed by a long sea passage, and assailed on landing by fresh and active squadrons of horsemen, would make but a very weak stand against them. And the chief points on our coast being now secured by permanent fortifications, the main danger to which we are exposed is, to sudden and predatory excursions, along the vast extent of our shores, to oppose which, cavalry, from the rapidity of its movements, is most especially proper.

2d. Our country is also generally considered as unfit for its employment; its interior, as too much covered by woods, rivers, and natural obstacles, and sufficiently defended by our numerous riflemen and militia, whilst every important point on our coasts will shortly be covered by strong works and batteries. In the first place, this is no objection to the utility of cavalry, for arresting those sudden and predatory incursions which desolate, in time of war, the many parts of our long shore which must remain unguarded. In the second place, such an argument can only be advanced by those little acquainted with the nature of that arm, and its capability of adapting its operations to every kind of ground. I can venture to affirm, from my own experience and observation, that few countries are better fitted than this, for a cavalry war, especially in the Southern States, and need no further proof of this assertion, than the history of the American Revolution, and the exploits of Lee, Washington, and Tarleton. And who can answer that these same States, whose population comprises such dangerous elements, may not be subjected to another and more formidable invasion, from an enemy little scrupulous about the means of injuring, or even embarrassing, in any way, a rising rival?

Since we have hinted at this subject, delicate, indeed, but which ought never to be lost sight of, we will add, that, in those regions where a considerable portion of the inhabitants, far from adding any thing to their strength, require, in time of peace, and still more in time of war, a constant check, no kind of force will be so effectual for this purpose as cavalry. And we will venture to affirm that, by employing constantly small detachments of mounted militia, to patrol round the country, under the direction of the civil magistrates, an effectual stop might be put to the odious practice of kidnapping, as well as to the escape of fugutive slaves. It may be added that, in our Indian wars, cavalry would also be the most effectual force against those fierce and wild barbarians.

3d. Another objection to the employment of such troops is derived from the vast expense of maintaining them, which, managed with all possible economy, must be twice as considerable at least, as that of maintaining an equal force of infantry, and from the long and special

course of instruction required to train them. But it is evident that, if some cavalry is useful, and even necessary for our defence, these objections become of minor importance, and only make against the employment of that arm in considerable numbers. And we have already stated, and will further prove, that a very small force would suffice for all our purposes. The mass of our mounted troops must necessarily consist of militia and farmers on their own horses. And proper economy and good administration would much reduce the expenses of the remainder.

4th. But, allowing all this, will our mounted militia, properly organized, and trained on a uniform and simple system of instruction, answer all these views? The reply to this question depends on a few plain data. Dispersed over a vast extent of country, they can only be assembled at any one place in small bodies, (not above one or two squadrons,) if called out frequently enough for instruction and training. Nor, from the civil avocations of our citizens and farmers, can they remain embodied for any length of time. Of course, their system of instruction should be as short and plain as possible, and their manual consist merely of the school for the soldier, and school for the squadron, simplified, as much as practicable, by recurring to the primary elements of cavalry tactics, which is all that they can practise. Such troops, if well and uniformly armed, organized, and trained to those elementary movements, will, however, be quite sufficient to guard our coasts against small predatory incursions.

But, if called upon to act in larger masses, against a more serious invasion, they will be unable to manœuvre together. For the more extensive and compound movements of tactics, though executed only by the combination of those elementary movements, require a quickness of eye and of decision, which can only be acquired by the constant and repeated practice of regular troops. And all the reading and theory of the world will never enable officers who have never seen them, to perform them in the field, with soldiers who have never executed them. For example, four squadrons, however well exercised in the school of the soldier and squadron, if commanded, when formed in line, to execute, for the first time, a perpendicular or oblique change of direction to the right or left, on a central platoon, could never act simultaneously, with that combination of simple and rapid movements by which this manœuvre is performed in an instant by regular troops, changing the whole position of their line, and frequently turning the fate of a battle.

5th. We think, therefore, that the addition of a single well organized and instructed regiment of cavalry, to our regular Army, trained to all the tactics of that arm, would be a most valuable augmentation to our actual means of defence, and probably sufficient of itself to encounter any invading force. But its chief advantage would be, that of containing a body of officers perfectly versed in the theory and practice of their service, who can only be found in this manner, and who, were a larger force required, could readily lead, and communicate their knowledge and experience to our numerous mounted militia, already

trained in all the elementary instruction required. We would thus possess all the elements of an excellent cavalry, and be enabled, in a few weeks. to raise any numbers which we might want. Indeed, without the establishment of such a corps, we think it almost needless to compile a complete, methodical, and philosophical system of tactics, which our militia can never practise, nor, of course, understand. A simple and uniform organization. a riding school manual, and the elementary principles of the school of the soldier and squadron, are all that they want, and all that they can possibly embrace in their instruction.

As to the expense of raising such a corps, it could not be great, and should be gradually distributed through the budgets of several years. For the training of cavalry, men and horses, is so slow, that it would be quite absurd to organize a whole regiment at once. It would be sufficient to form, at first, a single squadron, (from 100 to 150 men,) for the instruction the officers who would be destined to this service. And, when the whole regiment was formed, the expense of maintaining it would certainly not be considerable in proportion to its utility, for its force need never pass four squadrons, a number sufficient to practise all the manœuvres of cavalry, besides the primitive squadron of depot, which should always be maintained as a school for receiving young horses, recruits, and young officers, and forming them to their service, none being admitted to the war squadrons, but such as are perfectly trained. We would suggest the propriety of establishing this depot, which might be considered as a permanent school of cavalry, under the eyes of the Executive, and at the seat of Government, which, from its central situation in the Union, the nature of its soil and ground, peculiarly adapted to cavalry exercises, the healthiness of its climate, and facilities of conveyance which it possesses for the transportation of forage, seems to unite every advantage for the location of such an establishment.

If this depot was created, and a regiment in due time formed out of it, we think that all the views of the Government, with respect to our means of defence by cavalry, would be fulfilled; and that our force, in troops of this nature, in which we are now entirely deficient, would be brought to the same degree of perfection as that to which our Engineer, Artillery, and Infantry departments, are rapidly approaching. We would possess a corps of officers perfectly trained in the theory and practice of their service, one good regiment, and unlimited numbers of mounted militia, uniformly armed, organized, and trained to elementary manœuvres, all over the country; sufficient to defend our coasts against predatory incursions, and fit, in case of necessity, by joining the regular horse, and being placed under the command of experienced officers, to be formed into numerous and effective corps.

The system of instruction for our cavalry service, if it is organized on these bases, must naturally divide itself into two parts. 1st. A complete analytical course, for the use of our military schools and officers, and to direct the exercises of our regular cavalry, investigat-

ing and explaining all the principles on which the service of that arm is founded. 2d. A much shorter and plainer one for the militia, based on the other, so that, when serving together, they may act uniformly, but containing merely what is indispensable for them. In the following memoirs I have laid down all my ideas on these subjects, and request, with the utmost deference to submit them to the judgment of the committee, with one preliminary remark.

The French system of cavalry is undoubtedly the best, and most scientific and rational in Europe. The more we investigate it, the more we must admire the simplicity of its few fundamental rules, and the manner in which they can be adapted to every movement and situation. But that system is imperfectly developed in their manual of cavalry, which merely lays down precepts, without entering into their analysis; and is very unequally compiled by different hands. Some parts of it are absolutely defective, others inapplicable or useless in our service, and others may be much shortened or simplified. In fact, their practice did not always correspond to its theory. The memoirs which I submit to the committee are all based on that practice, though simplified in a few points, which I have designated. But, in order that the committee may compare them with the manual, which I have literally translated, by order of the Secretary, I subjoin to the different parts of this work the corresponding parts of the French one, which I deemed, on the whole, unfit for our purpose.

1st. The first course of instruction destined for the schools, officers, and regular troops, comprises: First, the basis of the instruction of cavalry, containing, in the first chapter, a complete nomenclature of the technical terms of military organization, formation, and manœuvering; wherein I have endeavored to define them accurately, so as to give a general idea of the whole system. In the second, a system of organization and formation in the field, proposed for the American cavalry, with a full analysis of the principles on which it is based. This part is entirely wanting in the French manual. In the third, a complete system of instruction, and Winter and Summer exercises for officers, men, and horses, of the regular cavalry. In the fourth, observations on the proper armament and equipment of man and horse, with descriptions and explanatory plates.

To this memoir I have annexed the literal translation of the corresponding part of the French manual, whose deductions will, I think, be found very unequal, its order confused, and its explanations insufficient and imperfect.

2d. The second part of this course comprises the proper elementary manual of cavalry, or the six lessons of the school of the soldier on horseback, and the school of the squadron. This part is taken, with some simplification and abridgment; but no alteration, from the French manual, whose principles are excellent. As for the school of the cavalry soldier on foot, I submit to the committee a literal translation of the French manual, with observations, as I deem it extremely defective and ill compiled. In my opinion, we want nothing more, for the very few occasions where cavalry serves on foot, than a short

extract of some of the elementary movements, from the manœuvres adopted for the United States infantry, light infantry, and riflemen.

3d. The third part contains an analysis and manual of the larger and more compound manœuvres of cavalry, which can only be performed in the field, by several trained squadrons. This, like the former manual, is based on the French, but gives the manœuvres in a more analytical order, and explains the principles on which they are founded, which the other does not. In fact they are all grounded on the movements detailed in the school of the squadron, compounded together, so as to apply to every circumstance of ground and situation. It belongs especially to the instruction of the officers.

4th. The second course of instruction destined for the militia, comprises: 1st. A short abstract of its proposed organization and formation in the field, exactly similar to those of the regulars; but wherein the results are merely laid down, without entering into the analysis of the principles on which they are founded. A few directions for the instruction of officers, men, and horses, and the school of the soldier and of the squadron, literally extracted from the former course.

These two courses, we believe, when corrected and fixed by the committee, would be sufficient to regulate and organize, uniformly, our cavalry service, for the present. But they can only be considered as temporary. Until a school or depot for officers of cavalry be formed, as we have already mentioned, and a regiment organized to practise them and test their merits, it will be impossible to establish a definitive system, which either must, or certainly ought to be, the sole result of reflection, experience, and experiment.

I have the honor, Sir, of remaining

Your most obedient and most humble servant,

WM. THEOBALD WOLFE TONE.

Observations on the organization of the Militia, and on the queries contained in the Circular of the Secretary of the War Department, of the 11th July last.

1st. It is generally acknowledged, that the defects of the present system of organization of our militia, render its service precarious, insufficient for the defence of the country, and very expensive and inconvenient to the mass of our citizens, as well as to the Government. This fact is confirmed by the testimony of Washington, and all our experience during the two great wars in which the Republic has been engaged. Taking it for granted, the Secretary of the War Department, in his circular of the 11th July last, has inserted a series of most interesting queries, relative to the present form and results of that system, and to the mode of improving it, and indicated the investigation of these questions as one of the chief points of the duties of this Board.

But this important subject involves so many political and constitutional considerations, that a new system can only be the result of

long experience and repeated trials; and when completed, it is to the wisdom of the people and of its proper organs, the Senate and Congress of the United States, and Legislatures of the several States, whose respective rights and independence are so deeply concerned, that it must finally be referred. All that we can do, and that our duty as American citizens and soldiers seems to require of us, is to investigate the most prominent defects of the actual one, and suggest such remedies as, in our private opinions, appear not to interfere with those rights, either of States or citizens.

2d. The most prominent defects of our militia, are the want of uniformity in their organization and system of instruction. We believe, that on these points, the necessity of a reform is so generally felt, that there would be no objection—1st. To a law by which its companies, battalions, and squadrons, in every State, should be formed on the same model as those of the United States' Army, with whom they must so frequently co-operate. 2d. To the adoption in every State, of uniform courses of instruction for the elementary training of infantry, cavalry, and artillery, and their manœuvres and service in the field, (shorter and more simple, but based on the same principles as those of that Army.) Whilst on this subject, we would observe, that we possessed already very complete systems for the organization and instruction of the infantry and artillery of the regular Army, but that a similar one was wanting till now for cavalry, as it contained no force of this description. One of the duties of this Board was to secure such a system, and we would recommend the adoption of a manual based upon it, for the mounted militia.

The board has completed, and is ready to deliver in three manuals for those three services, simplified as much as possible, in order to adapt them to the little time which the militia can give to its military instruction. It does not pretend that they may not, hereafter, on trial, be further improved, but believes them to be more complete and better adapted to the modern principles of tactics than any now existing. By their adoption, the purport of the following queries, in the Secretary of War's circular, would be answered. Query 2d. *Is the militia organized in conformity to the law of Congress?* Query 17. *Is the system of infantry tactics directed by law universally pursued?* Query 18. *What system of exercise and instruction of Artillery, &c.* Query 19. *What system of cavalry tactics have you adopted? What are their defects and remedies?*

3d. There is no doubt that the establishment of such a uniform organization and system of instruction, would be a great step towards rendering our militia more efficient. But as long as we entertain a natural and republican jealousy of a large standing Army, we must depend chiefly upon it for the defence of our country, the protection of our extensive frontiers, and of those fortifications which have been erected at so much expense. To render it really competent to these purposes, and give it the requisite activity and regularity, a great many more alterations would be wanted. These relate chiefly to its composition and the qualifications required from its officers. Con-

vinced that any plan for organizing the militia, merely as a fund to recruit the regular Army in time of war, would be utterly repugnant to the feelings of the people, we feel it our duty to suggest our ideas on those subjects.

As long as every citizen from 16 to 45 is indiscriminately enlisted in its ranks, and that no rule is established for testing the qualifications of its officers, its discipline, and instruction, on whatever uniform and theoretically good principles they be based, can never be enforced so as to render its services practically useful. From the various and necessary avocations of such a mixed multitude, they can only be called out four times a year, for a few days at each period, but even this tax, when falling on the mass of the population, weighs very heavy on their time, and consequently on their means. Yet, unless the militia officers be particularly well selected, and acquainted with their duties, it is impossible to train them thus to the most simple manœuvres, and the whole corps must present in the field an unwieldy and unmanageable crowd. We hesitate not to affirm, that, if the practice of the manual exercise and elementary movements of infantry was introduced, as a fundamental part of education in our primary schools, this simple innovation, besides affording a pleasant and salutary recreation to our children, would spread more military spirit and habits through our population than all those disorderly trainings.

The only part of our militia whose services can be relied on at present are those volunteer companies, who arm, equip, and train themselves, and over whose organization, regulations, and instruction, the Government has little control and no inspection. We believe that the mass of its artillery and cavalry now consists of such companies, and however meritorious their zeal, it is highly desirable that they should be organized on a more permanent and regular footing, so as to give to the Executive, at all times, some certain information of the means of defence really existing in the country, a greater dependance on their support, and the means of organizing them when required. Nevertheless, as long as our militia remains in its present state, they form all its forces, and we must do the best we can with them. But if the General and State Governments can agree on a uniform system for organizing it, under their more immediate control and inspection, we have no doubt that a much more efficient and equally national force might be created, and the formation of volunteer companies should then be only allowed on their agreeing to be incorporated in its ranks, and submitting to its regulations. These opinions of ours answer to queries 3, 4, 5, 6, and 7, of the Secretary's circular, which relate to this kind of troops. Query 3. *Are the regular or volunteer militia most efficient?* Query 4. *Is there a preference given for entering volunteer corps?* Query 5. *Does the establishment of these corps operate injuriously on the regular militia?* Query 6. *What proportion do they bear to it?* Query 7. *Would it promote their efficiency if they had the legal power of making by-laws?*

4th. We believe that such a system would be neither impracticable nor irreconcileable with our existing social and constitutional institu

tions, provided the following rocks and shoals were avoided in framing it: 1st. It should give no new nor extraordinary powers to the General Government. 2d. It should not interfere with the present rights and privileges of the States and people. 3d. The mode of raising and training the militia, and the service to which it is destined, should interfere as little as possible with the private avocations of the mass of our citizens, and require as little as possible of their time, consistently with giving it any efficiency. 4th. And, in framing it, we should remember that its real force, as well as that of any military body, consists not so much in its numbers, as in its good organization, activity, and readiness to take the field, and especially in the qualifications of its officers.

But to give that active readiness to our militia, and afford the Government the facility of claiming its services, without any great sacrifice of private interests, it is evident that it should be divided into two great classes, the active and sedentary; the former selected in the number required by our wants amongst the young and unmarried, and organized for ready service in the field, into corps of infantry, cavalry, and artillery, in every State; (this class only should be subject to the calls of Government;) the latter comprising the mass of the settled population, elderly men, and fathers of families, who should never be summoned to arms, but at the call of their own State authorities, and in the defence of their own homes, neighborhood, families, and property, in case of actual invasion.

We are aware that every proposal of this nature, (though several of our ablest statesmen have advocated it,) has been met by charges of laying the foundations of a system of conscription, and attempting to enlarge the powers of the General Government at the expense of those of the States, and privileges of the people. But, by a due adherence to the rules just laid down, we hope to demonstrate that all the advantages of this new system may be procured, without giving any new powers to the Government—without infringing on a single right of State or citizen—and so as to render the service of the militia much lighter, as well as more effective, instead of making it weigh heavier upon them. It is true that its establishment will require a perfect understanding, correspondence, and concert, between the General and State Governments, but we trust that, on a subject of such national and vital importance, those authorities, both elected by the people, for the general benefit, would find no difficulty in coming to a compromise.

We are also aware that the nominal force of the militia now at the disposition of the Government, which amounts to nearly 1,000,000 men, would be much reduced; but its real strength would not only be amply sufficient for every purpose, but in fact much increased, as it would now consist only of young and active men, and that from its very reduction in numbers, it would be much easier to organize it, enforce its discipline, and arm, equip, and train it uniformly. We do not imagine neither that the consequences of this reform will extend to supersede the use of our standing Army, and that the militia will thus

be enabled to perform the same functions, or even to encounter alone a disciplined enemy in the open field. But, in its present state, we deem it absolutely impossible to form out of it any force efficient for the defence of the country, and when thus organized, we trust that it will prove a most excellent auxiliary to our regulars, both for guarding the fortifications and batteries of our frontiers, and assisting them in the field as light troops. The necessity of increasing them to the degree that would be otherwise necessary, will also thus be obviated.* We would observe, likewise, that this organization answers to queries 8, 9, and 10, in the Secretary's circular. Query 8. *Would a classification of the militia be an improvement, one to be called the active, the other the sedentary?* Query 9. *In making the classification, should age, or the single or married state, form the distinction?* Query 10. *If age, what the proper periods?*

5. In investigating the bases on which an active militia should be formed, the first points which we have to consider are the numbers of Infantry, Cavalry, and Artillery which the wants of the country require; their repartition amongst the several States, and their organization into divisions, brigades, and regiments. These points can only be settled by Congress, the natural umpire between the members of the federation, and should be fixed, from time to time, on the following data: the census, ascertaining their relative means in population, and the general system of defence of the country, of which the documents are deposited in its archives. A great difficulty presents itself at the very outset of this question. The political limits of our States, originally fixed on arbitrary lines of demarcation, drawn by people ignorant of the country in framing the patents of the English settlers, do not correspond with the geographical features of the land, nor with the system of defence based upon them. In some cases different parts of the same State must be attached to different frontiers; in others, several States must be joined into one. We trust, however, that, as this power given to the General Government should only extend to assign to each State the number and kind of active militia which it must furnish, and the frontiers which they must defend, whilst in all other respects they remain at the disposal of their respective Governments, those minor difficulties may be easily compromised in regulating the details of the general system, of which we will only trace an outline for the present.

Our several frontiers require different systems of defence, and of course a different organization of their active militia, adapted to those systems. Between them extends a vast tract of country, impervious to any enemy, whose militia should be organized as a reserve or second line to that of the frontiers, armed and equipped in the lightest manner, and provided with the lightest artillery, to be in readiness to march at the earliest summons, on any menaced point.

*We believe, however, that the staff service, and Engineer and Topographical Corps in our Army, imperiously require some augmentation, and that one good and well organized and instructed regiment of Cavalry, is yet wanting to complete it.

1st. Our Atlantic frontier comprises four great divisions, and is exposed to the first attack on any serious invasion of the country; luckily, it contains the densest part of our population, and that of all our great cities. Its active militia should be organized on the most effective footing, so as to be always ready to line, at the appearance of an enemy, the numerous forts and batteries, which cover the most accessible and important points of our coast, and stand their first assault. It should comprise a great number of artillery companies, trained to the management of heavy artillery and mortars, and a certain proportion of cavalry to check those partial and flying incursions to which the vast extent of our shores must always be exposed. These maritime regions are backed in their whole extent by a mountainous ridge, running from Maine to Georgia, and inhabited by a stout and hardy yeomanry, who, lightly armed and equipped, should, as we have already observed, be always ready to advance in second line.

The first or Northeastern division of the Atlantic frontier, extends over the greatest part of the New England States, and may be formed into the five following districts, to adapt the organization of its active Militia to its divisions into States—1st. The State of Maine: 2d. The Eastern and maritime counties of New Hampshire: 3d. Those of Massachusetts: 4th. The State of Rhode Island: 5th. That of Connecticut. Its line of reserve comprises three districts on the valley of the Connecticut—1st. The Western counties of Massachusetts: 2d. Those of New Hampshire: 3d. The Eastern counties of Vermont. Its chief points of defence are Boston and Narragansett Bay, besides the numerous forts which defend the coast; and it has two frontiers to protect, the one North and the other West of Cape Cod.

The second or central maritime division of the Atlantic frontier, extends to the mouth of Chesapeake Bay, and may be formed into the following districts—1st. The Southern and maritime counties of New York: 2d. The State of New Jersey: 3d. The Eastern counties of Pennsylvania, to the foot of the Allegany: 4th. The State of Delaware: 5th. The Eastern shore of Maryland, to which should be annexed, (at least with respect to the organization of its Militia,) the counties of Accomac and Northampton, belonging to Virginia. Its line of reserve comprises—1st. The Highlands of New York up to Albany: 2d. Those of Pennsylvania, on the waters of the Susquehannah and its tributaries. Its chief points of defence, are the two great cities of New York and Philadelphia.

The third, or Chesapeake division of the Atlantic frontier, extends from the mouth of the Susquehannah to the Dismal Swamp, but is accessible all along its coast by Chesapeake Bay. It may be formed into the two following great districts—1st. The Western shore of Maryland and District of Columbia; 2d. The maritime counties of Virginia to the Allegany, and is backed by the mountainous ridges of—1st. Maryland, and 2d. Virginia in the Allegany ridge, and on the head waters of the Potomac, Shenandoah, James' River, Roanoke, &c. whose Militia would form its reserve or second line. Its chief points of defence are Baltimore, Washington, Norfolk, and Old Point Comfort.

The fourth, or Southeastern division of the Atlantic frontier, comprises the maritime regions of—1st. North Carolina: 2d. South Carolina: 3d. Georgia: 4th. Florida, lying on tide water; and is backed by the Western and mountainous counties of the three former States, whose white and hardy population forms, in fact, its real defence. There are but few important points, except Charleston, Savannah, and St. Augustine, on this coast; but its militia, as well as that of the former division, should comprise an additional proportion of Cavalry, to keep in check a portion of our population, which, unfortunately, instead of adding to the resources of our country, is to be dreaded and guarded against constantly, as against an internal enemy. Cavalry is peculiarly adapted to a service of this nature.

2d. Our Southern frontier is yet weak in population; and a great portion of its inhabitants are also more hostile to the safety of the country, than useful for its defence. It must depend chiefly for its protection, on the regular forces of the Union; nevertheless, a sufficient number of militia, amongst whom should be included several companies of heavy artillery and cavalry may be organized amongst the planters of Louisiana, Mississippi, and Alabama, to assist them in guarding a line of forts, already protected by the deadly climate and marshes which surround them, and to keep the black population in check. Its line of reserve, fortunately, consists of the warlike and numerous population of Tennessee and Kentucky, who will always be ready to seize their rifles and descend the Mississippi, to protect the great emporium of their trade and produce, and renew the trophies of New Orleans.

3d. Our Northern frontier comprises in first line, the Western counties of Vermont and Northern regions of New York, from the neighborhood of Lake Champlain to that of Lake Erie; and, in second line, the Western district of Pennsylvania and State of Ohio, whose numerous, hardy, and rapidly increasing population, will shortly be more than sufficient to repel any attack directed from Canada. Its militia should chiefly be organized into light corps, to co-operate with the regular Army; and its grand points of defence are the neighborhood of Plattsburgh, of Sackett's Harbor, and the Niagara frontier.

4th. Our Western and Northwestern frontier comprises the States of Missouri, Indiana, Illinois, and Territories of Arkansas and Michigan. It has no attack to dread from any enemy but the Indians, who, were they not protected as well as kept in check by the regular garrisons of Detroit, Green Bay, Michillimackinac, Council Bluffs, and Arkansas, would probably be soon destroyed by the backwoodsmen and riflemen of those single States.

In concluding this hasty and general survey, we must repeat, that although several States, such as New York, Pennsylvania, Maryland, Vermont, &c. are thus divided into two or three districts, belonging to different military frontiers, yet this circumstance affords no reason for giving to the General Government any more powers over their militia, or its organization, than it now possesses. The Governments of these States need only be aware of the particular part or parts

which they must take, in the general system of defence, of the force required from them, and of its nature; they may then, as we shall presently develop, organize it themselves, on a perfect understanding with the General Government.

6th. The next point to investigate in forming an active militia, (its numbers, organization, and theoretical system of instruction being thus fixed in each district,) should be the mode of raising it and recruiting its ranks. We think that the General Government, confining itself to assign to each State its quota in infantry, artillery, and cavalry, should leave all further details to the discretion of their several Governments. The best principle on which these can be based would be to declare every young citizen from 16 or 18 to 24 or 28 years of age, or any period which may appear more suitable, liable to take his chance for serving in these corps during that time, leaving the States at liberty to make the selection, and grant such exceptions or commutations for small fines, to all men of certain professions, such as sailors or clergymen, or of certain religious persuasions, or even to all married men with families, as they might deem proper. To the mass of our citizens, the only consequence of this innovation would be, that, instead of remaining subject to be summoned from their domestic avocations from 16 to 45 years of age, they would only take a chance of paying this tribute during six years of their youth; after which, passing into the ranks of the sedentary militia, they would be freed from any call for distant and active service, and only liable to take arms for the defence of their immediate homes and property.

Whilst on this subject, we are not prepared to deny, that, with some modifications, the system of volunteer companies may not be continued with respect to the artillery and cavalry companies of the active militia, as these ought to be composed of the most respectable citizens and farmers, who can afford to arm, equip, and mount themselves at their own expense, and give more of their time to training than the rest of the people. But they should be bound to conform to the general regulations, and submit to the same control and inspections as the rest of the militia.

7th. The next question to be investigated in organizing the active militia, (viz: the appointment of its officers, and qualifications required from them,) is one of the greatest importance and delicacy. It is a most incontrovertible principle in the organization of any kind of military force, that its efficiency depends chiefly on this point: for the best troops, ill commanded, will be inferior to the worst, properly conducted; and the less they are trained, the more essential is it for their leaders to be so. Neither can it be denied, that in several States there exists many abuses relative to these appointments, of which a striking instance was lately given in one of our chief States and cities. Nevertheless, such is the just and rational apprehension which the people entertain of increasing the patronage of the General Government, that the privilege of chusing their own officers is one of those of which the States are most naturally jealous, and which we are convinced they will never renounce.

We think therefore that the General Government should neither appoint a single officer in the militia, nor interfere with the existing customs of the several States on that subject, whether these appointments be made by their Executives, or by a Council of Appointment, or by the election of the militia: but, by two general rules, which should in our opinion be recommended to their adoption and passed, if possible, into a national law, all the existing abuses might be obviated: the first, declaring that no officer should be promoted, unless he had passed through every inferior grade; the second, appointing a Board of Examiners in every district, which might be selected amongst its chief officers, to examine the candidates on every vacancy. Their certificate of his sufficiency and qualifications should be made an indispensable condition for his appointment. By the first of these laws, we mean not to confine the line of promotion to that of seniority; on the contrary, as modified by the second, it would prevent an incapable officer from ever rising beyond the lowest ranks, whilst in appointments to the superior ones, it would secure the election of men of some experience. It is scarcely necessary to add that the officers, even of the volunteer companies of artillery and cavalry, should be bound by those laws, and subject to those examinations, as well as all others.

We also think that the post of an officer in the active militia, should be one of some permanency as well as respectability, and that they should not be removed, unless in case of resignation, incapacity, or misconduct. When we consider how much the duties and theoretical knowledge required of them would be simplified by the general adoption of the new systems of instruction, which are accessible, with a little study and attention, to the most moderate capacity, we cannot think that there will be much difficulty in finding in every State, a sufficient number to command the militia. To disseminate this knowledge must however be a work of some time, but if those regulations are universally enforced, we believe the improvement will be rapid. The States may accelerate it very much by encouraging the creation of Military and Mathematical Academies on the model of Capt. Partridge's; by the practice of the manual exercise and elementary manœuvres of infantry in their primary schools, and by giving a certain preference in their appointments to places of officers in the active militia, to those young cadets, who, educated at West Point, have found no room in the narrow ranks of the Army.

An important question is suggested in Query 11th of the Secretary's Circular—"*Whether it would be an improvement to issue commissions to inferior ranks only in the Militia, in time of peace?*" We are decidedly of a contrary opinion, and think it most essential that the staff of the active militia, in every military district of every State, should be permanently organized. Its duties are of a nature not to be learned in the moment of necessity, and, in peace as well as in war, it should constantly inspect its members, and the state of its discipline and armament, and report on them to its own and to the General Government. We are also of opinion that the appointment of staff

officers should be left to the discretion of the Executive of each State, confining it merely to select them out of those officers of corps who have already undergone the examinations before mentioned, and that a certain salary should be attached to their functions, especially to those of the Adjutant Generals, to compensate for those duties which must take a great portion of their time.

With respect to the reports just mentioned, which are not intended to give to the General Government any right of interfering in these matters, but merely to inform it constantly of the real state of the means of defence existing in the country, a special office might be created in the War Department to receive them, and the collection of those documents, in a few years, would not only make us peefectly acquainted with the real value and strength of those means, but afford ample materials for improving them, and collecting the ideas of our best officers with respect to them. But, for the further simplification of the whole project, we can see no objection to addressing these reports to the Adjutant General of the United States' Army, as a separate branch of his duties, provided that his office be enlarged, and an additional number of aids and clerks attached to it. Such reports would answer the purport of Query 1 in the Secretary's Circular—"*What is the number of the Militia in every State?*" and indeed, of all the other queries, annually.

8th. A few observations relative to the training and service of the active militia in time of peace and war, will conclude our general view of the reforms which we would deem sufficient to render these corps equal to their duties. We have already observed that the efficiency of the militia must chiefly depend upon that of its officers, and indicated the means by which, in every State, their theoretical instruction at least, might be ascertained and tested, and the facility with which it might be promoted by the aid of private military academies. Nor have we the least doubt, that the superior respectability which the militia would soon assume under the new system, would rouse amongst them a spirit of emulatiou, increasing every year. But we do not think that the practical exercises of the field, should be exclusively confined to them, and to the non-commissioned officers, as has been proposed before now. It is absolutely necessary to train the men occasionally to move together, and the direction and inspection of those exercicees is the only way of perfecting the officers themselves in the practical as well as theoretical duties of their rank.

We do not however think that the musters, even of the active militia, and especially of its infantry, which forms the great mass of its numbers, should be much more frequent during the six years of service required of them, than those now required of the whole population from 16 to 45. In the first place, we do not expect it to be placed at once in opposition to regular troops in the open plain, nor intend it to supersede the use of a standing Army; and as its chief duty will be to assist the regulars in the capacity of light troops, much may be done by the individual exertions of the men, in practising sharpshooting in their own homes. And if a great mass of them have been pre-

viously trained to the elementary exercises, as already suggested, in the primary schools; if the whole are so organized as to be ready to assemble whenever required, and accustomed to muster in rank and file; if their officers are well selected, and instructed in the new, simple, and uniform theory of tactics, little will be wanted in time of peace, and it will be an easy matter, and take but little time at any period, to teach them the whole manual of infantry when their services are required. The artillery and cavalry require more training, and it is for this reason that we suggested the propriety of forming these corps of volunteers, who could afford more time to these duties. These observations answer to Queries 14, 15, and 16 of the Secretary's Circular. Query 14—*What are the regulations of your State for training the Militia?* Quere 15—*Are frequent musters advantageous?* Quere 16—*Would it be an improvement to confine the instruction to the officers?*

9th. Finally, with respect to the service of the active militia in time of war, we do not propose to give to the General Gevernment, any new or greater power over it, than it now possesses over the whole militia. The active as well as sedentary militia should remain at the sole disposition of their own Governments, until called to the field by Act of Congress; or in cases of sudden emergency, or during the recess of that Assembly, by Presidential proclamation. But with regard to the time that they should be bound to serve, we are convinced from the experience of all our wars, and testimonies of Washington and Jackson, that nothing can be so inconvenient and expensive as confining that duty to a term of three months' service. The active militia, when called to the field in time of war, should be considered as a permanent corps, and although a portion of its men may be dismissed and replaced every Winter, when they have performed their six years' duty, none should have a right to leave his ranks during the court of a campaign, even though he had served his full time. This opinion of ours agrees with that expressed in queries 12 and 13 of the Secretary's letter. Query 12—*Is not the period of service for three months only on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?* Query 13—*To what period should it be extended?*

10th. In concluding these observations on the most prominent defects of our present militia, and the best mode in which they may be remedied, the improvements which we suggest amount to, 1st, adopting for it a uniform system of instruction; 2d, organizing all its corps on the model of the regular army; 3d, dividing them into active and sedentary, the former composed of the unmarried youths, and obliged to serve six or eight years, (remaining alone subject to the calls of Government;) 4th, forming its artillery and cavalry of volunteer companies; 5th, dividing and organizing it into divisions, brigades and regiments, by military districts, according to the system of defence of the country, leaving to the General Government the power of fixing the quota of each district, and to the States that of raising and officering them; 6th, subjecting these officers to pass through every grade, and submit to the examination of competent Boards, be-

fore they can be promoted; 7th, organizing a regular staff in each district, and obliging it to report to the General Government, and to that of their own States, the numbers, discipline, and armament of its active militia; 8th, declaring it in permanent service in time of war, and allowing of no term of duty shorter than a campaign.

We pretend not by these alterations to create a new and complete system; we are aware that many points relative to their discipline and service in peace and war will remain to be settled, and can only recommend, as a general rule, that all regulations on these subjects be framed as closely as possible on the model of those of the United States' Army. But we trust and believe that their result will be to render our militia more competent to every purpose of national defence, than it can be in its present state. We would thus enter on a career of improvement, and time and experience would soon bring the whole system to as much perfection as is attainable by any militia force, whose civil and domestic avocations must ever prevent it from applying all their time and attention to military objects.

PHILADELPHIA, *August* 14, 1826.

SIR: I have been duly honored with a copy of your circular of the 27th of last month, making some inquiries relative to the militia and volunteer systems, which I will answer in their order.

1st. Are the regular or volunteer militia most efficient?

By "regular," I presume, is meant the common militia, some of whom would have been as well described as "irregular." In point of efficiency they bear no comparison to volunteers. I commanded a militia regiment many years, and I suspect no one ever strove harder to make them respectable, but with little effect. I published a proposition to raise a volunteer regiment, to be clothed in the simplest uniform, viz. a plain blue coat, white pantaloons, and a black cockade. I turned out, one parade, 750, rank and file, and I had the satisfaction to see them respectable and respected. Many of the persons whom I had never been able to do any thing with in the militia, became excellent soldiers. A common militia man is deficient in that pride and *esprit de corps*, which is absolutely necessary to make a soldier. Dress him in uniform, and enrol him in a volunteer company, and he is an altered man.

2d. Does the establishment of the volunteer militia operate injuriously on the regular militia?

I think it does. The common militia are considered a grade below volunteers. Hence, very few who have any pride, and can afford to purchase an uniform, will fill their ranks.

3d. Would a classification of the militia be an improvement? one to be called *active*, the other sedentary?

I do not believe it would.

4th. In making the classification, should age, or the single or married state, form the distinction?

If such a classification is determined on, *age*, and not the married state, should determine. All other things being equal, I would depend most on a married man; he has more ties to bind him to his country.

5th. If age, what are the proper periods?

Forty-five has generally been considered the period, but I have known men over fifty perform all the duties of a good soldier as faithfully as at any period.

6th. Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?

It is the most inefficient and useless plan that can be adopted. It requires three months to teach a man the duties of a soldier, to accustom him to the life, and prepare him to bear the fatigues and privations of a camp. Just as he is becoming an useful member of the corps, and has contracted habits that unfit him for a return to civil life, he is turned away, and his place is filled by a raw recruit. The tour ought to be one year; then you would have nine months valuable service from him, and the probability would be, that he would remain longer if required.

7th. If so, to what period might it probably be extended?

This has been anticipated in the last answer.

8th. From your experience, are frequent musters advantageous to the great body of the militia?

To the volunteers it is; but to the common militia, it is time thrown away. Four, six, or eight days' militia training in a year can never make a soldier, but it may make a drunkard and an idler. It ought to be entirely abolished.

9th. Would it be an improvement to confine the instructions to the officers exclusively?

This depends upon who are to be their instructors. If a plan could be fallen on to give them commands of the United States' military posts, or in any other way have them instructed by efficient persons, I should answer "aye," otherwise I would let them remain at home.

In answer to your general inquiry, as to any improvement in this "great arm of national defence," I would take the liberty of suggesting, that, in teaching the drill, the Lancastrian system might, in my opinion, be adopted. I once reduced the exercise to form, and taught it in that way, and was astonished at the rapid improvement that ensued.

I have the honor to be, sir, your obedient servant,

P. A. BROWNE,
Div. Insp. 1st Div.

Maj. Gen. THOS. CADWALADER.

November 16, 1826.

Maj. Gen. CADWALADER.

DEAR SIR: Without preface or ceremony I proceed to answer the questions touching a more efficient organization of the militia of the United States, proposed by you to me on the 27th July last.

3d *Question.*—"Are the regular or volunteer militia most efficient?"

The volunteer militia are by far the most efficient, although some of these corps are extremely deficient in tactics and military knowledge, yet others have attained a proficiency that would not disgrace the regular army.

5th *Question.*—"Does the establishment of the volunteer militia operate injuriously on the regular militia?"

Answer.—No, not as organized in this State, for I conceive the officers and men who compose the volunteer corps would not take part in the duties of the ordinary militia.

8th *Question.*—"Would a classification of the militia be an improvement, one to be called the 'active,' and the other the 'sedentary.'"

Answer.—I consider a classification of the militia into *active* and *sedentary* would be productive of great usefulness.

Questions 9 & 10.—"In making the classification, should age, or the single or married state, form the distinction? If age, what are the proper periods?"

Answer.—In making the classification, I would take for the active all single men between the ages of 21 and 27 years, and married men between the ages of 21 and 25; and if a single man should marry after he is 25, I would only require him to serve until the age of 26.

Question 12.—"Is not the period of service for three months only, on one tour, attended with great sacrifice of life and treasure, and productive of inefficiency?"

Answer.—Yes.

Question 13.—"If so, to what period might it be properly extended?"

I am of opinion that the period of service should be for the current year; it would then afford ample time to Government to make requisitions on the different States for their quota, and for the States time to organize their drafts in advance for the coming year's service. It is doubtful whether, under this regulation, they would seldom have to serve more than a three or four months' campaign, and Government would have, at all times, during that period, an efficient organized army, ready to take the field at a moment's notice.

Question 13.—"From your experience, are frequent musters advantageous to the great body of the militia?"

No, not as organized and disciplined in this State. I should prefer its being done away with altogether, conceiving the present mode as worse than useless, save enrolment to ascertain the number only, and substitute in place thereof the volunteer or active militia system, as here contemplated.

Question 16.—"Would it be an improvement to confine the instruction to the officers exclusively?"

From my experience, I am of the opinion that officers cannot be properly instructed in their duty without they unite theory to practice; and, to do this, Government must either encourage the volunteer, or active militia system, (as here contemplated,) for I conceive it to be impracticable to organize the officers into companies in the present state of our dispersed population, which, I humbly conceive, would be necessary, if Government confined the instruction exclusively to the officers.

REMARKS.

From the little experience I have had, I am satisfied that the only efficient force (besides the regular Army) that Government could rely on in case of an emergency, or the first campaign of a war, must, from necessity, be the volunteers.

And if a system, affording them proper encouragement, can be devised, it would certainly be the most agreeable, and one more in accordance with our habits and institutions than any other: for any thing like compulsion, without a corresponding necessity for its enforcement, will not be borne with cheerfulness, but would generally be resisted by the American people.

How this is to be accomplished I will leave for yourself and others more competent to determine.

But I will again, with due deference, respectfully suggest that the grand point, in my humble opinion, is to get the officers properly instructed in their duty, and if they possess the proper natural qualities for commanding, they will be enabled to impart it with great *rapidity* (if I may be allowed the expression) to the men who usually compose our volunteer corps.

With these answers and remarks, I will leave the subject to abler hands.

With the highest esteem and respect,
I am your obedient servant,
JOSEPH S. RILEY,
Lt. Col. 1st Reg. Penn. Volunteer Infantry, No. 2, of the Line.

CONWAY, MASSACHUSETTS,
October 12, 1826.

DEAR SIR: William H. Sumner, Esq. the Adjutant General of this Commonwealth, having put into my hands a circular issued from your office, on the 11th of July last, with a request that I should reply to the questions therein contained, and communicate any information which might be in my power; and wishing to aid you in the highly important design of forming a uniform system of tactics for the militia of the United States, I am induced to offer the following remarks for your consideration.

The maxim, "that a well organized and disciplined militia is the natural defence of a free people," is one to which I most heartily subscribe. That our present system is capable of very great improvements, I have no doubt; and of the difficulties attending a reform, I am, in some measure, sensible.

Judging, indeed, from past experience, I almost despair of seeing the militia what it ought to be, and is capable of being made, a competent, safe, and equal defence of the nation.

You will permit me, sir, to answer some of the questions proposed, premising that my answers will relate principally to the Fourth Division of the Massachusetts militia, which is now under my command.

1st. The object of this question, I presume, is to ascertain the number of militia in the State. The fourth division contains 7,244.

2d. They are nearly so. Almost every town has a company. In some towns there are two, three, or more, according to their population. The number of effective privates in a company varies from thirty to seventy. Five regiments of infantry, consisting of not less than eight, nor more than thirteen companies, and a regiment of cavalry and artillery, of four, five, and six companies, each, in two brigades, officered and armed agreeably to United States' law.

3d. The volunteer militia meet oftener for drill, and, consequently, are better disciplined and more efficient.

4th. There is, with many; and the law prohibiting the reduction of a standing company below sixty-four privates, prevents volunteer corps from being filled, and is a source of much trouble to the Brigadier Generals.

5th. I think not; but operates rather as an incitement to others to make greater exertions to keep pace with them in improvement.

6th. About one-fifth or sixth part.

7th. It might: but I should think otherwise.

8th, 9th, and 10th. I think it unnecessary and useless to attempt to discipline all the population from 18 to 45 years of age.

Let all the white male citizens, from 18 to 45, be *enrolled*. Let there be no exemptions, except on account of *absolute imbecility of body or mind*. Let there be an annual inspection and return of all the arms and men; designating the numbers of the *active*, and also of the *sedentary*. Let the officers of a regiment, or brigade, (regard being had to the compact or scattered situation of the troops,) meet together four days, annually, under the instruction of the Adjutant General or Brigade Major, or some other competent officer. In addition to this, let all the soldiers, from 18 to 25, and the officers of a brigade or regiment, meet together three or four days, annually, soon after the drill of the officers; and, in both cases, be furnished with tents, rations, &c. and receive a moderate compensation for their services. Let there be an Adjutant General of militia of the United States, to whom the Adjutant Generals of the several States should make their returns, and whose duty it should be, to see that a uniformity of returns, and of discipline, is introduced, each State furnished with arms, system of discipline, &c.

11th. I think it necessary that the organization of the militia should be kept up in peace, as well as in war.

12th and 13th. The militia are not expected to perform the duties of the regular Army; but may be called out "to execute the laws of the Union," or if individual States, "to suppress insurrections, or to repel invasions." This may be often done in three months; but, when necessary, they may serve six or nine months, with less sacrifice, probably, of life and treasure, than to have the same length of service performed by two or three different detachments.

14th. These may be learned from the militia laws of the State, with a copy of which I presume the Adjutant General will furnish you.

15th. Musters are to the militia, what examinations and exhibitions are to schools and academies. If judiciously conducted, annual or biennial reviews are useful. It gives to officers and soldiers an opportunity to exhibit their skill and acquirements, and, when an enterprising spirit prevails, the different corps will be emulous of deserving the highest praise.

16th. To teach officers to command well, should be the object of instructing them. This can be done only by embodying officers and soldiers; and, in my opinion, officers, generally, need more drilling than soldiers.

17th. The infantry of the Fourth Division make use of Maltby's "Elements of War," no other system of tactics having been furnished them.

18th. A system for the artillery was published, and furnished to the officers, by the State; but, as it is not acceptable to that corps, it is not much used.

19th. Hoyt's Cavalry Discipline is in general use: its defects are few, and easily remedied.

I might greatly extend my remarks, but deem it unnecessary to go further into detail. You will readily see what my views of the subject are.

The whole population should be furnished with arms; those only from 18 to 25 drilled, and they in some measure compensated. It is not probable that so large a body of militia as the United States contain will ever be required to take the field at once. To undertake to discipline thoroughly all the population, from 18 to 45, must be an unnecessary waste of time. Discipline all the *young*, and the whole militia will soon be well trained; sufficiently so for every exigency. *A young man's "time is money," and when called to spend it for his country, his country should compensate him.*

If any thing I have written shall contribute, in the least degree, to aid you in the important design committed to you, I shall be highly gratified.

With sentiments of great respect, I have the honor to be,

Sir, your most obedient servant,

ASA HOWLAND.

To the Hon. JAMES BARBOUR,

Secretary of the War Department.

HARPER'S FERRY, 28th Oct. 1826.

SIR: When I first saw your Circular of 11th July last, at Old Point Comfort, while attending to the experiments with my arms at Fortress Monroe, under Col. Eustis, it excited a desire to contribute my mite toward the stock of information relative to our militia, of which that circular contemplated the collection: for I had given some attention to the subject during several years, and it had a connection, in some degree, with the business to which I have devoted my life; but reflection upon the difficulty of doing justice to the subject, and the probability that the high talents of those who were to engage in the business would be exerted to a degree that would render my feeble efforts of little or no comparative value, induced me to forbear the attempt. An article however which has just met my eye in the National Intelligencer, in which it is stated, that "it is very desirable "that all the information which can be procured from every quarter, "should be received as early as possible, and we are authorized to "state that such information will be most acceptable to the Depart-"ment," induces me to view the attempt as one that may, perhaps, not prove altogether useless on my part, and produces an encouraging conviction that the intention will be allowed, to a very considerable extent, in palliation of its imperfections.

During the last war I had frequent occasion to remark the ill effect produced on the minds and feelings of our militia by the operation of the *partial enrolment* permitted by the existing United States' militia laws, the effect of which is to throw the burthen of militia defence, in time of war, as well as at all other times, principally on the poorer classes of the community. By the existing laws of the United States certain classes of persons are designated as being exempted from enrolment and the performance of militia duty, and it is permitted that the Legislatures of the respective States may make such additions to the list of exemptions as they may conceive proper. In consequence of this permission, the exemptions in some of the States have become very numerous, and consist, principally, of a very large proportion of the more polished and wealthy part of society; these exemptions not only deteriorate our militia, by withholding from it the most respectable members of the community, but are productive of great injustice by throwing the severest part of the burthen of the militia defence on the poorer classes, who are alone compelled to furnish recruits for the service, as substitutes for themselves or their sons or apprentices, when drafted in time of war, in consequence of the exemptions of the other classes from enrolment. Having associated much with our militia during the late war, I know that the moral effect of this state of things is very injurious to it, and that it tends greatly to diminish that cordiality of feeling, in relation to the common defence, which is so necessary to success; and I am well convinced that the American militia will never be such as it ought to be, and may be, unless the unjust and unnecessary distinctions that exist as to enrolment, are annihilated, and ALL *the free white male citizens of the*

United States, within the prescribed ages, are enrolled in it, and all are equally subjected to the same liabilities to exposure and expense, with the exceptions of persons of infamous character, who ought to be excluded from it, (which latter is not the case at present.) But the unjust and oppressive operation of the existing militia laws in relation to certain classes of the community, and its injurious effects on their minds, are not the only evils which flow from the present state of those laws: while the different States remain at liberty to adopt different principles of enrolment, and to exempt, at their discretion, such classes of persons as they may please, it will be impossible for the General Government, upon any general principle of apportionment, to draw from the respective States their just quotas of force for the purposes of common defence. A militia draft, apportioned according to the latest returns that I have seen, would require more men from the State of Pennsylvania than from that of New York, superior as the latter is in point of population; or if apportioned according to population, would require from the ranks of the New York militia about twice as many men, in proportion to the number contained in them, as from the ranks of the Pennsylvania militia, and would not, perhaps, operate equally, in either case, on any two States in the Union.

The enrolment in our militia of the respectable classes of the community which are now exempted from it, would greatly enhance its respectability, an object which is apprehended to be of primary importance in attempting its improvement, as would also the *denial of enrolment to all persons of notoriously bad character*, and the *expulsion from its ranks of all who are convicted of crime in a court of justice*. Such, and other arrangements of a like tendency, which the case admits of, would, in due time, render admission into the militia a privilege, and denial of it an evil, and would produce a very desirable change in the public sentiment in relation to that branch of our defence.

It appears to me that many of the imperfections in our militia system have arisen from inattention to the peculiar character of our population; it appears to have been a leading object with our legislators to assimilate our militia to disciplined soldiery, a species of improvement of which they are not susceptible until called into actual service in time of war. The experience of half a century has proved the truth of this remark. The great body of American militia still are, after all their expenditure of time and money, from year to year, no better disciplined, in all probability, than they were twenty years ago. They never can become well disciplined without such a sacrifice of time as would prove extremely injurious to the community. The few days of service which are at present enjoined, are felt as a burthen, and are submitted to with reluctance, and yet they are so few as to be productive of no permanent improvement. But although American militia cannot be rendered disciplined soldiers, in time of peace, yet it appears to me that they are susceptible of vast improvement in other points of very great importance; at least as much so as a knowledge of tactics and discipline: they may by proper arrangements be rendered far more effective as to their fire than the best disciplined reg-

ulars, and they may be induced, under proper regulations, to keep themselves provided with the best of fire arms and ammunition, so as to be always ready to take the field at a moment's warning, and to operate in consequence of their superior skill in gunnery, with most powerful effect. Convincing proofs already exist of what such a militia may effect, in the battles of Bunker's Hill and New Orleans, although those who were there engaged labored under serious disadvantages, both from the quality and quantity of their arms, defects that would occur in a much smaller degree under such a system as may now be established, with the existing facilities for procuring good arms. THE ESTABLISHMENT *of prize firing as a part of the exercise of our militia*, would, it is believed, produce an universal excitement throughout its ranks of the most beneficial tendency, and would furnish a most powerful inducement to them to attend to the quality and condition of their arms, and prove more conducive to that object than the most rigid inspection and exaction of fines, and in conjunction with such an inspection would produce such a degree of improvement in their pieces and the efficiency of their fire, as has never yet been realized since the invention of small arms.

It appears to me all important that effectual provision should be made for *enforcing that part of the Militia Law of the United States which requires that every citizen enrolled shall "provide himself with arms, ammunition and accoutrements:"* for however desirable it may be that our militia should be armed with guns of one uniform model, established for the national service, the impracticability of effecting it, by the General Government, is such as to preclude their being armed at all from that source; the natural increase of the militia, alone, doubling its numbers in twenty-five years, would require a supply of arms to keep pace with it, much greater than all that our armories can produce, to say nothing of the immense number that would be required to arm them in the first instance, and to keep the stock good after they were equipped. It is therefore not a question of whether they shall be armed at the public expense, or at their individual expense, but whether they shall be armed at all. The practicability of affecting it at individual expense admits not of a doubt, as it has been fully tested in several of the States, in some of which the men appear at their military musters completely equipped, even to the minutest article, and once a year, when called out for inspection, ready for immediate service. Such a militia, when composed of a large proportion of good marksmen, with accurate guns, both of which circumstances, it is believed, would be secured by the proper enforcement of the law alluded to, and the establishment of prize firing for one of their exercises, must prove extremely formidable to an invader in the first instance, in consequence of the destructiveness of their fire, notwithstanding the superiority of the latter in point of discipline, and would form a mass of material capable of rapid conversion into well disciplined soldiers of the most formidable kind, whose destructive fire no foreign mercenaries could withstand.

Respectfully, I am, Sir, your obedient servant,

Hon. JAMES BARBOUR. JOHN H. HALL.

BALTIMORE, *August*, 1826.

SIR: Believing it to be the duty of every republican to offer freely to his country his life, or whatever he may possess of talent, wealth, or experience, I present to you cheerfully, but diffidently, all that I possess of the last, on the subject of your circular of 11th of July. Possessing but little time of my own, and unwilling to trespass upon yours, I shall answer your questions as briefly as possible.

1st question. "What is the number of your militia?"

The answer to this question can come only from the Executive of the State.

2d. "Are they organized in strict conformity to the law of Congress? If they differ, in what?"

I am at a loss to know what law of Congress is meant. The organization of the militia of this State is not exactly similar to that of the United States' Army. The organization of companies and regiments is the same, except with this difference, that, for a company of infantry, commissions are only granted to a Captain, Lieutenant, and Ensign. The brigades are usually formed of two regiments of regular militia, and such volunteer corps as wish it, and can most conveniently be united with them. The divisions are composed of two or more brigades, and sometimes of other corps; and frequently compose all the different arms, cavalry, artillery, infantry, and riflemen. In the militia, it appears difficult to adopt any other plan of forming the brigades and divisions.

3d. "Are the volunteer or regular militia, most efficient?"

The volunteer corps, composed, in a great measure, of young men whom their military spirit has brought together, are, in this State, I believe, universally considered as most efficient.

5th "Is there a preference given for entering volunteer corps?"

I do not exactly understand this question. Some citizens prefer attaching themselves to such corps, to being enrolled in the regular militia, otherwise no volunteer corps could exist; others are unwilling to go to the expense incurred by joining them.

5th. "Does the establishment of the volunteer militia operate injuriously on the regular militia?"

It certainly does operate injuriously on the regular militia, by drawing from it many of its most spirited members; but I do not think its operation generally injurious. Much good would, no doubt, result from the diffusion, among the whole body of the militia, of that spirit which invariably characterizes, and indeed produces, the volunteer corps; but, at the same time, many advantages must be given up in abolishing them. Much of their spirit, too, would be lost in the very act of the diffusion. Upon the whole, I am of opinion, that the establishment of the volunteer militia is a general good, and should by all means be encouraged.

6th. "What proportion do the volunteers bear to the regular militia?"

I cannot tell the proportion throughout the State; probably it may be ascertained from the returns made by the Executive. In Balti-

more, I suppose the proportion of volunteers to be nearly one-third of the whole. In time of war, the proportion would be, no doubt, much greater.

7th. "Would it promote the efficiency of volunteer corps, if they had the power of making by-laws for their own government?"

In this State they have that power, and I believe its exercise produces very beneficial results. Those by-laws, of course, must not militate with any general laws or regulations.

8th. "Would a classification of the militia be an improvement; one to be called the active, the other the sedentary?"

9th. "In making the classification, should age, or the single or married state, form the distinction?"

10th "If age, what the proper periods?"

I do not think the classification of the militia would be productive of any advantage, while it would certainly be attended with much trouble. If, in the establishment of a general militia system, it should be thought most advisable that the militia should muster on certain days throughout the year, I should think all persons between the ages of 18 and 45 years, except in cases of ill-health, &c. fully capable of performing the light duty. If a tour of field service should be considered as preferable, the certificate of the surgeon of the regiment in which the person may be enrolled, that that service would be injurious to his health, should exempt him from it. As to enrolling persons without requiring any service, it would be useless. As to laying a light duty upon those excused from severer service, the State would never find officers to command a corps of invalid or superannuated persons. In time of actual war, indeed, such a body would find among its own members officers of spirit and skill, and might, in that case, be formed with advantage. The married state should not constitute exemption from militia duty. The majority of Americans marry at an early age.

11th. "Would it be an improvement to issue commissions only to inferior grades, in time of peace? If so, what should be the highest?"

I think not. The chain of responsibility, from the lowest officer to the Commander in Chief, should be preserved unbroken; not a link should be removed. No officer will discharge his duty so zealously, nor keep his inferiors to theirs so faithfully without, as with, the supervision of his immediate superior. To remove the officers above the rank of Colonel, I think would be attended with serious injury; to remove the officers of that grade, with ruin to the militia. It would destroy all the efficiency that could be imparted to it by any system whatever.

12th. "Is not the period of service for three months, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?"

13th. "If so, to what period might it be properly extended?"

A tour of regular service I should consider as very advantageous, as far as regards the acquisition of military knowledge, but as too expensive and costly in time of peace. Under proper regulations, I think that a few parades, perhaps six throughout the year, would, *without being* oppressive, place the militia in such a situation that it

might, in time of need, be immediately put on a footing of the utmost possible efficiency.

14. "What are the regulations of your State, as to training the militia?"

In the city of Baltimore there are four parades fixed by law, viz: two company parades under the direction of commanding officers of companies; one regimental and inspection parade, each regiment parading separately, under command of its own Colonel, and undergoing an inspection by a staff officer of the brigade to which it is attached; and one division parade and review, when the evolutions of the line are gone through with by the whole division composed of the citizens of Baltimore The three first occupy the afternoon, the fourth the whole day. The same regulations are, I believe, observed throughout the State, with such differences as the various circumstances of the separate parts of it render necessary.

15th. "From your experience, are frequent musters advantageous to the great body of the militia?"

From the laxity of the militia system of this State, there are, with some most honorable exceptions, few officers of talent and spirit attached to the regular militia. The consequence is, a great deficiency of practical knowledge. As long as this is the case, musters more frequent than are absolutely necessary to keep the system on foot, will continue to be productive of little advantage. If Congress should establish an energetic system, then will the offices be filled by young men of ambition; and the more frequent the musters, the more perfect will be the knowledge imparted to the citizens.

16th. "Would it be an improvement to confine the instructions to the officers exclusively?"

I should look upon such a measure as the abolishment of the whole system. If the instructions were confined to the officers exclusively, no man would accept of a commission.

17th. "Is the system of infantry tactics directed by law universally pursued?"

It is not. Such is the inveteracy of prejudice, that, though a law of the State directs the officers of the militia to use that system, but few of them have ever indeed attempted it. Some, however, scrupulously observe it, and the practice of it is daily gaining ground.

18th "What system of exercise and instruction of artillery have you practised or followed? What are its defects and remedies?"

19th. What system of Cavalry Tactics have you adopted? What are its defects and remedies?"

My practical knowledge upon these subjects is very imperfect; any remarks I might offer would be drawn from mere observation, not from experience: with such I would not trouble you. I would, however, suggest an inquiry into the advantages of using percussion tubes in firing cannon.

In the formation of a general militia system, there are two measures which I think eminently calculated to impart to it a tone of efficiency. These are: the inspection, annually, of every regiment in the different

States by an United States' officer, and the union of the United States' troops, where convenient, with the militia, in their general parades. The latter measure would kindle a spirit of emulation in the breasts of the militia, which would lead to the most beneficial results, and would, moreover, accustom the regular troops and mliitia to acting in unison. The advantages resulting from the adoption of the former measure would be immense. The officers of the militia would prepare, beforehand, for the anticipated inspection; they would spare no pains to perfect their military knowledge—no exertions to bring their men to the highest possible state of discipline. The regular militia would rise to higher ground, and the best spirit of the country would be found to animate its ranks. The advantages resulting, in time of war, from the personal acquaintances which would be thus formed between the United States' and militia officers, from the perfect knowledge of the one of the strength and character of the other, from that harmony and unity of spirit and design thus infused into both, must be obvious to all.

I shall not enter into any detail upon the subject of a general militia law, believing that it is not required. I merely present to you the above propositions, without attempting to support them by the arguments which might be advanced for that purpose, convinced that the advantages resulting from their adoption will at once present themselves to your mind.

Very respectfully, your obedient servant,

HENRY MANKIN,

Brig. Ins. 14th Br. Md. Mil.

To Mr. JAMES BARBOUR,

Secretary of War, Washington.

NEW JERSEY, SOMERVILLE, *August 9th*, 1826.

SIR: His Excellency Governor Williamson has had the goodness to enclose me a circular from the Department of War, relative to the militia. I do sincerely regret that the avocations in which I am engaged at present, prevents the attention that the important subject demands, yet am constrained to make a few desultory observations, believing the return from the Adjutant General of the militia of New Jersey, will contain much of the information asked for.

The volunteer corps are most efficient, a preference is given for entering volunteer corps, viz. a person entering a uniform company, equipping himself, and continuing faithfully to perform the duties required of him for ten years, is exonerated from common militia duty ever after, but his name continues on the muster roll, and he may be called into actual service on any emergency; the regular militia are rendered less efficient in consequence of this preference.

I do not believe any advantage would result from a power in the volunteer corps to make their own by-laws. Forming the militia of

the United States into two classes, the active and sedentary, or first and second classes, would be an improvement, in my opinion very desirable. I have labored to effect this, within the State of New Jersey. The general principle has always been well received by the Legislature of New Jersey, but lost in the detail. Age, I think, should form the distinction, say from 18 to 28, or, if thought best to exclude minors on account of parents, guardians, and masters, from 21 to 30; either would give a class sufficiently numerous for every purpose.—The public arms should be in their hands, and more duty required of them. If one-third of the active class could be regularly encamped in succession, once in three years, for say two weeks, by divisions, it would render the first class of our militia, what they ought to be, an efficient body, and ensure a camp equipage, in good order, perhaps sufficient for any emergency that may occur in our happy country.—The sedentary class, should be organized without performing any duty, and pay a small equivalent, which might be applied to remunerate the active class, or at least reimburse the State for necessary expenditures in rations, &c. Three months' service would be most acceptable; within the State it might answer: when required out of their own State six months should be lawful; in which case their pay should be advanced 50 per cent. The militia of New Jersey, are and have been, for more than 30 years, trained three times a year; under this system they are not improving; they were better disciplined 25 years ago than now, and I doubt, whether more frequent musters of the regular militia would answer any good purpose: instruction to officers seems necessary, yet the frequent resignations, actually defeat much of the benefit anticipated from it. Officers, after voluntary acceptance, should be compelled to hold their commissions for 7 or 10 years, unless some good reason should be offered for indulgence.

Sir, I have the honor to be

Your obedient servant,

P. J. STRYKER,

To JAMES BARBOUR, Esq.

CUMBERLAND COUNTY, N. J. *August* 14*th*, 1826.

The Hon. JAMES BARBOUR:

SIR: The militia of the State of New-Jersey is divided into divisions, brigades, regiments, battalions, companies, and independent battalions.

There are three divisions and thirteen brigades; the militia of each county, (except Cape May) form a brigade, called after their respective counties; that of Cape May is formed into an independent regiment.

In the Cumberland brigade, there are but two regiments, and two independent battalions; one of them an "uniform independent battalion," authorized by the brigade board under the law of December, 1823; it consists of about 200 rank and file.

Each regiment is divided into two battalions, and each battalion into four companies of not more than 64, nor less than 40 privates, besides the light infantry, riflemen, and artillery. The formation of the independent battalion has detached the light infantry, riflemen, and artillery, from one of the regiments.

The officers of division, brigade, regiment, battalion, and company, are substantially [organized] as directed by act of Congress.

The company officers are elected by the company; the superior officers by the Legislature in joint meeting.

It is the duty of the captain to enrol every free white male *inhabitant* of the age of 18 and under 45, within the bounds of his company, except those persons exempted by Congress, and also Ministers of the Gospel, the Judges of the Supreme Court of this State; all Students of Divinity, and Students of the two Colleges of this State, are exempted by the laws of the State, except in cases of actual *invasion*.

The fine of a non-commissioned officer or private for absence from militia duty is one dollar; for appearing without arms, fifty cents.

By a law of the 18th February, 1815, every person who was then actually enrolled in, or should thereafter join any uniform corps, fully equip himself, and continue faithfully to do the duties required of him by law, for ten years, is exempt from common militia duty; his name however remains upon the muster roll, and he is liable to be drafted for actual service. Any person who may hold a "commissioned office" for ten years, is entitled to the same privilege. The practical operation of this law is injurious to the uniform corps.

All fines imposed upon the members of any uniform company, are appropriated by law to the use of such company.

The volunteer corps are generally composed of young men, most of them, at the time of joining such corps, under the age of 25 years, and would not probably appear upon parade at all, did not such corps exist. And although they do not acquire much correct knowledge of the duties and services required of them in actual service, they learn more than the common militia. They are well armed and equipped, composed of the best citizens, usually commanded by persons of character and information, and, when called into actual service, become good and efficient soldiers in a short time; much sooner than the ordinary militia. Besides, their voluntary services, in cases of emergency and defensive operations, may be relied upon until an army can be raised by a draft. The formation of volunteer corps should be encouraged.

The whole militia of this brigade is about 2,000; the volunteer corps about 500. I am not acquainted with the relative proportion in the State.

If by making by-laws, be meant the power of selecting the uniform, regulating the admission and discharge of members, time of parade in addition to those required by law, and the like; the volunteer corps usually exercise these powers. An express award of the right to make by-laws, could not be productive, I apprehend, of any injury.

The present classification of the Militia appears to me to be well enough; the more *simple* for *practical* purposes the better. Age affords the best criterion. At 18 the young man has acquired sufficient physical powers to enable him to endure the fatigues of war; the age might be extended beyond 45; but as that is the age heretofore prescribed, it would not be prudent to depart from it. A change ought not to be made which has a tendency to increase a *burthen* without urgent necessity. By the last census we have, of free white males, of the age of 18 and under 45, 1,370-028; from that number an army of 200,000 could be drafted, which would not be heavily felt.

The militia assemble three times a year, "for the purpose of training, disciplining, and improving in martial exercise," in company, battalion, and regiment. These trainings produce but little, if any, practical benefit.

The principal advantage resulting from the organization of the militia, seems to be to furnish the means, in case of necessity, to raise an army by *compulsory measures*. It will not be safe to depend altogether upon the voluntary offer of the services of the people; nor should it be so; there should be some way at command to compel *every person* to bear his proportional part of the burthen in time of war. By the organization of the militia, as directed by Congress, you have the number of militia obliged to bear arms, you have *officers* and men that you can command, but they are not soldiers, nor will the *militia trainings make them such*. One militia parade in the course of the year would be sufficient for all useful purposes, and that should be in regiments, at which the Brigade Inspector should attend to inspect the arms and collect the *returns* from the Captains, to ascertain the *number* of militia. Although young men at 18 should be enrolled, I would not require their actual appearance upon parade until full age, except in cases of war. The calling of young men three times a year from the employment of their parents or masters to a militia parade, not only deprives the latter of their services, but introduces the young man, at a dangerous period of his life, into scenes of vice that he would otherwise escape. If he did not, it would be the fault of the parent or master, and not of the law. There is the less reason for requiring their attendance, as the benefit to be derived from it, is at least problematical.

One objection to this occurs to me; if there be but one training a year it may operate to the prejudice of the volunteer corps: for many would probably rather pay *one fine* than go to the expense of uniforming. To overcome this, increase the fine.

The law of this State requires the commanding officer of each regiment, independent battalion, and squadron, to call a meeting of the commissioned officers under his command, once in each year, (at which meeting the Orderly Sergeant of each company is also to attend.) "for the purpose of military improvement." The misfortune however is, that most of the Colonels and Majors know as little, some less, than the Captain they command; many of them in this brigade are capable of instructing their superior officers. Then, through the

incompetency of the commanding officers the object of the law, which is a good one, is entirely defeated. If competent officers were appointed something useful might be accomplished. That will not be done so long as they are appointed by the Legislature.

There is no uniform system of infantry, artillery, or cavalry tactics pursued, so far as I know; Steuben, Scott, Smyth, Duane, and others, are followed at times, and not any of them long; each captain selects that which suits him best.

In December, 1824, the Legislature of this State authorized the commander in chief to purchase Dyckman's American militia officer's manual. He procured a number of copies, and they have been distributed throughout the State, but, I suspect, not universally followed.

There are persons amongst us, besides those called quakers, who are inimical to all militia laws, profess to consider them altogether unnecessary, and say that when war arises, an army may be raised of volunteers. They oppose the election of company officers, and in some instances have prevailed upon the companies not to elect officers; the consequence has been, no company parades have been held or fines collected.

It is at all times difficult to find persons who will accept the appointment of a company officer. Those who do accept, and receive a commission, frequently resign in the course of a year; a new election must then be held, which is met by the obstacles above enumerated. They are required by law to uniform, in three months after the receipt of their commissions; if not, they incur a fine. This is expensive, few are willing to incur it; many resign rather than uniform. The law requires their acceptance of their appointment to be made in writing; when this has been done, the officer should not be at liberty to resign at pleasure. Some term of office should be designated; an allowance per day, to be paid out of the fines of the companies, would in some measure remunerate for the expense of uniforming.

Notwithstanding the law of the United States, and the law of this State, both require the militia man should arm himself, few are armed. The militia of this brigade amount to about 2,000; there are not more than 375 stand of arms fit for actual service; 225 of these belong to the State; 290 were received from the Quartermaster General during the last year, supposed to be the share of the public arms of the State, to which this brigade was entitled.

My knowledge of military matters is quite limited; you will no doubt receive from the Adjutant General of this State, a full and satisfactory answer to your circular.

Very respectfully,

Your obedient humble servant,

DANIEL ELMER.

Hon. JAMES BARBOUR, Esq. *Secretary of War.*

SIR: I have the honor to acknowledge, through the Adjutant General of this State, the reception of your letter of the 11th of July last, containing certain queries in relation to the Militia, preparatory to the formation of a new system of tactics, for the several corps therein mentioned.

In pursuance of the request contained in the close of your letter, I would remark, generally, that the time when the liability of performing military duty is to commence, should be sixteen, instead of eighteen years, and should end at forty.

It was common in the army of the late Emperor of France for persons to hold subaltern offices at the age of fifteen or sixteen years, and there are instances of the same amongst the British troops. After forty, a soldier in the ranks of the Militia is generally worse than useless. In my opinion the light dragoons should all be turned into horse artillery, with provision to act as dragoons when required. The state of our country will not, generally, admit of the efficient use of this corps in strong bodies; their principal use is as videtes.

I add further, with the exception of Porter's Volunteers, the dragoons, neither in the militia nor in the standing Army, did any thing last war, (to my knowledge.)

Answers to some of the Queries.

No. 3. I cannot answer this from experience. I can only say that, in this portion of the State, that corps is formed of the most sprightly and active young men, and generally of the better order, possessing the great essential of a soldier, superior pride.

4. Not understood. Probably some misprint.

5. *Answer.* Generally not. In no case where the volunteers are commanded by proper officers, as, in such case, there is harmony between the different corps.

6. The proportion of the volunteers is fast increasing, especially in artillery and riflemen. It is difficult to say what is the proportion. It does not exceed the quota allowed by the law of the United States; probably one in thirteen.

7. *Answer.* I think not.

8, 9, & 10. My own opinion is in favor of classification; the active militia to consist of unmarried men, between sixteen and thirty, but the law to subject all volunteers to be called out when required, without the right of substitute, unless by consent of the Colonel of the regiment, sanctioned by the Brigadier General.

11. In my opinion the militia should be fully organized, with a right in the Commander in Chief to substitute or turn out an officer, in case of incapacity, in time of war.

12 & 13. The period of service is too short, and is particularly destructive of health. Under officers, as usual, utterly unacquainted with camp duty, nine months is the shortest period.

N. B. The President, in case of a threatened war, should have the power to call out and encamp the drafted men, previous to sending them to the frontiers. It would be a vast saving of men, particularly if liable to the inspection of the Adjutant General of the United States, or other experienced officer. This power he has, I suppose, impliedly.

14. The Adjutant General will give an answer.

15 & 16. Two company trainings and a regimental review are, in my opinion, essential to Northern Militia, who approximate nearer the standing army than the Southern and Western troops. Some of them are not exceeded by the best of the United States' troops. The officers should be disciplined separate, at least three days in a year.

17. I am not an infantry officer.

18. The system of exercise pursued in the brigade of artillery lately commanded by me, was that of Major General Stephens, late of the Revolutionary Army, with the exception of forming a company, which is done single, instead of double file, according to Major Smyth, of Massachusetts. As to the practice of the division generally, my recent appointment does not qualify me to give any information.

For No. 19, see 17.

In conclusion permit me to add, that, if the different volunteer corps throughout the United States could be uniformed alike, it would be desirable, and would be a vast saving of expense. Not a single brigade are now alike.

The uniform of a soldier should be plain and substantial, and as incapable of destruction as it can possibly be. Chapeaux should be banished the service, except in the highest grades of office, and plain leather helmets substituted.

The above remarks are drawn up in much haste, and under ill health. If they afford any useful hints I shall be happy.

I have the honor to be,

Your obedient servant,

THEODORE SILL.

Maj. Gen. 3d D. N. S. Artillery.

WHITESBOROUGH, *Oneida County,*
August 16th, 1826.

FRANKFORT, *Kentucky, October 7th*, 1826.

The HON. SECRETARY OF WAR:

SIR: I have had the pleasure of seeing, though not the honor of receiving, your circular of the 11th of July last, relating to the militia and their organization. It was gratifying to me, as a citizen of the United States, to learn that a disposition has been at length manifested by Congress to take the subject, which I conceive to be one of vital importance, into serious consideration. It was gratifying to

me, also, to perceive that a Secretary is now presiding over the War Department who is willing to bestow upon the subject that particular and scrutinizing attention which it most eminently demands.

I am fully aware that it is at once both obtrusive and indelicate, to annoy a public functionary with a communication under a fictitious signature, when that communication is neither called for nor expected: But I rely for an apology upon the desire you have intimated to be fully informed in relation to the queries embraced in your circular and to the militia generally, and, though untitled and unpretending, I flatter myself that my views, if they are considered to be worthy of any attention, will not be disregarded because they are unaccompanied by the name of an individual who might command respect from known experience in the military art, or from dignity of station. It has been said, and sagaciously said, that "from the collision of error truth is elicited;" and perhaps my hints, pretensionless as they are, may have the good fortune to lead to the discovery of truths if they do not themselves develop them.

To give as much perspicuity as possible to the subject, I shall quote the questions propounded in the circular, and answer them in order.

Questions 1st and 2d. "What is the number of your militia?" "Are they organized in strict conformity to the law of Congress? If they differ, in what?"

The proper replies to these questions will, I apprehend, be found in official reports. The returns of the Adjutant General of this State, I presume, will answer the first, and our militia laws will answer the second.

3d. "Are the regular or volunteer militia most efficient?"

We have no troops in this State to which the term "volunteer" may be properly applied. There are *uniform* or independent corps of infantry, riflemen, artillery, and cavalry; but they are not more devoted to voluntary service than the "*regular*" militia. They are doubtless more efficient. They are generally furnished with arms, and their discipline is in many cases much superior to that of the ordinary militia. But I am not inclined to think that they add much to the military strength of the country. They have not that permanency that would render them of any very decided utility. In many cases they preserve their organization but a few years, and are merged again into the general mass. In event of a war, they stand precisely in the same attitude with the other troops, and are not under any kind of obligation to make a voluntary tender of their services.

4th. "Is there a preference given for entering volunteer corps?"

There is not any preference given to these *uniform* corps. Indeed, so far from being entitled to any preference, except on parade, they have to perform a much more arduous task than the other militia. They furnish themselves with uniforms; they keep their arms and accoutrements in order at their own expense; they are drilled much more frequently, and are most generally called on by the civil authority, when it stands in need of military aid. But this call is only made when it is necessary to furnish guards for prisoners, ordinary

guards on some occasions being deemed insufficient; and to attend the execution of criminals to preserve order. Their drills, though more frequent than among the regular militia, are entirely a subject for the exercise of their own discretion. It is usual for them to organize themselves according to articles of association, and to adopt by-laws for their government, which they obey from a sense of honor, and not from any authority to coerce obedience. They are also under the government of the general militia law.

5th. "Does the establishment of the volunteer militia operate injuriously on the regular militia?"

If it operates injuriously it must be for the following reason. The uniform companies on parade exhibit a most discouraging contrast to what are, in this country, facetiously, and not inappropriately, denominated the "*cornstalk boys;*" and if the latter had any soldierly pride they would perhaps be mortified at witnessing it. But it cannot be denied that our militia, as soldiers (in times of peace) are most happily and most gloriously destitute of every trace of that sentiment which occasioned the fall of Lucifer and his expulsion from Heaven.

But where lies the fault? In the men or in the system? New Orleans and the river Raisin will proclaim it not to be in the former; and all observation, all common sense, and all experience, will pronounce it, without hesitation, to be in the latter. What military knowledge, or what military emulation can we expect to find among men who are called from home three or four times each year, to perform some absurd and zigzag movements, ridiculously misnomered military evolutions? The time consumed, too, at each training, not being more than two or three hours, (often not that long) and under the direction of officers who know nothing of their duty. If a military spirit could exist under such a system, I should look upon it as nothing less than a phenomenon (*rara avis in terris.*) When I remark that the "officers know nothing of their duty," I must be understood as speaking under restriction. There are many of them well qualified to command, and who do every thing that can be expected of them as long as the present system continues.

These remarks do not apply to the uniform companies. They frequently present a fine military appearance, as it regards dress and accoutrements, and also on account of the precision and promptitude with which they perform their evolutions.

6th. "What proportion do the volunteers bear to the regular militia?"

The Adjutant General's report will, I presume, furnish satisfactory information on this head. The uniform corps form, I presume, about one-tenth of the whole. The infantry in uniform are called the *light infantry.*

7th. "Would it promote the efficiency of volunteer corps, if they had the power by law of making by-laws for their own government?"

I am not inclined to think that it would. It is a power they already exercise, and those laws are as inviolably maintained by the

honor of the individuals composing those corps, as they could beby any legislative enactment. My objection would be, that it would be impolitic to introduce any distinctions among the different corps, unless there existed a plain and obvious necessity for doing it. I think there exists none in this case; and the consequence of granting such privileges to a particular description of troops, might be attended with bad consequences. Instead of producing a spirit of emulation, it would, in all probability, produce one of jealousy and discontent.

8*th*. "Would a classification of the militia be an improvement; one to be called the *active*, the other the *sedentary*?"

I infer from the distinction of *active* and *sedentary*, that the first class would stand as enrolled for the *first* tour of *active* service in the event of a war, and that the *sedentary* class would not be required to enter into *active* service, until *all* of the *active* class had performed certain tours. If I understand the distinction properly, this might be an *improvement*, if proper means were taken to qualify the first class for an effective performance of its duties, previously to its being called on to render any services.

9*th*. "In making the classification, should age, or the single or married state, form the distinction?"

My opinion is that age, and age only, should form any distinction. It would be difficult, I apprehend, to make the man upon whom nature or necessity had imposed a state of celibacy, comprehend what particular merit there could be in entering into the matrimonial state, and what great services a married man had rendered the community, that he should be exempted from the burden of military services. It would be well enough, perhaps, to make *rich* bachelors over the age of ——— years, perform the first tour of service always. They have no excuse for not marrying; and as from avaricious or eccentric motives, they will not contribute *legitimately* to the population of the country, I do not conceive that there would be much hardship in compelling them to fight the battles of those who do. But the poor man, who would only be adding to the countless catalogue of human miseries a few more items of wretchedness by marrying, might well be excused from the burden.

10*th*. "If age, what the proper periods?"

If there are but two classes, I think the *active* should be composed of all over twenty-one and under thirty-five. These, in my opinion, should perform a tour of service before the others should be called on. I doubt though, very much, the policy of such an arrangement. However, I am clearly of opinion that no man ought to be dragged from his home and his vocations, as a soldier, until he has attained the age of twenty-one years; unless the safety of the country most imperiously requires his services. Young men, from the age of eighteen to twenty-one, are usually engaged in learning a trade, studying a profession, or in qualifying themselves in some manner to earn a subsistence, and to become useful or ornamental members of society. A tour of military service makes a fearful inroad upon the prospects of young men so situated, and although a cause may be momentarily benefitted

by enlisting into its service a host of ardent and patriotic youths, yet there is too much reason to apprehend, that, eventually, society is not much benefitted by the requisition of their services.

Should a classification be determined on, I should think it good policy to form a third class, which might be denominated the *stationary* class, composed of young men over the age of 17, and under 21, and of old men who are over 45, and under 55. They should remain permanently and perpetually as a *corps de reserve*, and never be called into actual service unless on local occasions, or in cases of the actual invasion of the States of which they are inhabitants, and, even then, not unless all the other classes are in service. They should be organized separately from the other troops, under some appropriate designation, and should not be considered as forming any part of the ordinary military establishment. The officers should be taken entirely from among the seniors, and they might be organized into companies, battalions, regiments, brigades, and divisions, without in any manner interfering with the general organization of the militia. A corps, thus formed, would always present a formidable aspect to a foreign invader, and would be abundantly able to repress any domestic insurrections. There can be no objection on account of the age of the senior portion of this corps: for it is a physical fact, unquestioned and unquestionable, that there are very few men who have enjoyed good health, and lived temperately, that are superannuated at the age of 55; and it is well known that many men, long after that period of their lives, have retained all the vigor and vivacity of youth. Among military men may be named, in Europe, Frederick the Great, Souvarof, Schomberg, Blucher, and many others. In America, Washington, Jackson, Monroe, Armstrong, and others. The saying of Napoleon, that a man was not fit to make war more than a few (I think seven) years of his life, I look upon as nothing more than a paradox of that most paradoxical man.

To this may be added the remark of a man (Montaigne) who knew much of the world and of the world's concerns, that a man between the ages of 50 and 60, was, of all others, the best qualified to serve his country. At that age he would bring into the service of a cause a multitude of moral qualities that younger men could not lay claim to. His actions would be the result of principle and of experience, not of passion or of speculation.

11th. "Would it be an improvement to issue commissions only to inferior grades in time of peace? If so, what should be the highest?"

In my opinion, it would not be an improvement, though I do not suppose that a change in relation to this branch of the subject would be productive of any very marked results in any way. If any attempt is made to discipline troops in time of peace, I think it would be politic to assign to them the usual number of officers. My opinion is, clearly, that any attempts to discipline the militia under the present system, are wholly nugatory and unavailing; that they are worse, indeed, than attempting nothing; and that, unless the system is entirely and radically changed, it would be sound and saving poli-

cy to abandon it altogether, and to limit military instruction to the officers alone, and, to do that, under rules and regulations of a much more energetic and improving character than are now in force. I speak upon this subject from considerable experience and from much observation, and I say, most unhesitatingly, that, unless the system is much amended and improved, that it would be a saving of time, of money, and of morals, to abolish it entirely. The law requires the citizen to perform military service from the age of 18 to 45. What service does he perform? He attends *muster* four times in each year. What does he learn? Nothing. Who are his instructors? Men, very commonly, who know nothing more than himself. He drags heavily through some absurd and preposterous movements, of which he understands nothing when he commences them, and nothing when he gets through them. We have about seventy thousand militia in this State, and an exemption from militia service would save to the Government, or rather to the people, on a moderate estimate, from sixty to seventy thousand dollars: for a day is lost to every man each time he attends muster, although a very small fraction of it is devoted to military instruction. I have seen militia troops, many of which had been disciplined, *secundum artem*, for twenty or thirty years, and, after entering into service, they have been obliged, in all cases, not only to imbibe new ideas of tactics, but to eradicate from their minds, their old, crude, and unintelligible notions; and I appeal to the officers composing the Board convened by you under the law of Congress, if they have not, in the course of their service, ascertained, from the most perplexing experience, that an old militiaman, who perhaps has *mustered* regularly five or six times a year thirty years of his life, is not the most ignorant, the most conceited and intractable of all the elements of war, that have ever fallen in their way. The militia are always behind the regular troops in military science. Why? For want of regular instruction. They see nothing, they hear nothing, and they know nothing. I have no doubt that there are vast numbers of militia in the United States, who at this moment have heard of no tactician except Steuben, and who think his work the very quintescence of the military art. It cannot have escaped the observation of all military men who have served with militia, that the youngest men among them become soonest acquainted with their duties. They have nothing to *unlearn*, and their course is one of continual improvement. They have formed no attachment to systems, and they have therefore much more docility than those who have.

I think it more than probable, that I shall differ on this subject with the military gentlemen who are your correspondents in this State. I presume that those of the first character as officers, have received your circulars, and no others. These being conscious that, within their own commands, they have succeeded in awakening and cherishing a very respectable military spirit, may possibly judge of the whole militia, by the specimen their own troops could furnish. This, though a very natural, would not, I think, be a very satis-

factory mode of deciding on the system. It will not do to judge of the military character of 70,000 men, from the respectable appearance of a few regiments.

I am decidedly of opinion, therefore, that the privates among the militia should either be exempted entirely from militia service, or that they should be required to submit to a course of practical and rigid instruction. They should be encamped by divisions not less than three weeks in each year. Officers who certainly understood what they taught, should superintend their evolutions, and instruct them in all the minutia of field and camp duty. It would be immaterial whether they had arms or not. The manual exercise is the least part of tactics and soonest learnt. Let them learn to march, and they have learned every thing. It was well said by Marshal Saxe, that the whole secret of the military art lay in the legs. Troops who understand the field evolutions soon learn every thing else.

But if such a system as this would be onerous, confine the instruction to the officers. But nothing can be done in the matter until, by some means or other, they can be prevailed on to remain longer in the service than they do in this State. I am informed that from 1,500 to 2,000 commissions are issued yearly by the Executive of this State, for the purpose of keeping up the organization of about 70,000 troops. They resign in great numbers, but many vacancies are likewise occasioned by emigration. It would be difficult to apply any corrective to the last cause of vacancies, but I think something might be done towards checking the frequency of resignation. Let the commission be made an honorable one, and it will not be often resigned. But this cannot be done under the present system. The officer is conscious that he can do his country no service by retaining his commission, and to get rid of a grievance he gives it up as soon as he can, for he can only resign in the month of January, according to our laws. This measure of compulsion was adopted by our Legislature, when they should have thought of furnishing a stimulus for remaining in office, and not an obstacle to going out of it.

If the course of instruction is confined to the officers, it will answer all valuable ends. Good officers soon make good soldiers. It was by this means that Napoleon could, in so short a time, convert a crowd of raw and reluctant conscripts, into an army of well disciplined and enthusiastic soldiers. His officers were always excellent; and without good officers it is in vain to calculate upon having good troops. They should be required to attend a camp or a school of instruction, not less than one month in every twelve. Able officers of the regular Army should be detailed for that particular service, and any thing and every thing should be done to give energy and efficiency to the system.

12th. "Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?"

Unquestionably it is attended with the most deplorable sacrifices of life, treasure, comfort, and every thing else dear to a soldier and

to the country. This is certainly the worst part of a very bad system, and calls loudly for amendment. Whilst the system of short tours (three months or six) is persisted in, I consider it certain that the militia can never be a formidable body of troops. It is a waste of life to a most alarming and culpable extent. The soldier is ordered out perhaps for 90 days, within that time he has to encounter more from the novelty of a military life, than he would encounter from it in the course of a year afterwards. Camp diet, camp exercises, every thing is new to him. He is peculiarly liable too, within that period, to the incursion of camp diseases. But, at the end of that term, if he has been attentive, and his instructors have been skilful, he becomes in some degree a soldier. His system also begins to accustom itself to a new mode of life; but just as he begins to be valuable to his country, he is discharged, and his place is supplied by another raw recruit who has to go through the same ordeal, and who, in the same manner, at the end of three months, makes way for his successor.

So much for the risk of life. It is evidently a hazardous game, and the odds are against the player; but, as it concerns the treasure, the loss is clear and unequivocal. The equipments for an Army, and all that relates to the *atterail*, must be nearly as costly for an Army which serves only three months, as for one that serves twelve. When disbanded at the end of three months, the loss in equipments and stores is incalculably great. Much is lost and much destroyed. The officers of the administrative staff are careless, partly from ignorance and partly, from want of ambition. They hope for nothing, they fear nothing. A sense of responsibility, and the apprehension of it, are alike unknown to them. Their term of service is circumscribed to a few days; they can acquire no distinction, and when you close the way to honor upon an officer, you withdraw all his incentives to the performance of his duty.

Besides these obvious disadvantages attending short tours, it cannot be expected that troops of this description can do much, and indeed much is not expected of them, (generally, but there have been splendid exceptions to the rule.) The execution of enterprises is delayed or frustrated. A general, knowing that his troops must be discharged before he can accomplish any thing of importance, hesitates about undertaking any thing, and the most favorable opportunities for action are lost.

13th. "If so, to what period might it be properly extended?"

It should be extended to 12 months at least, and as much further as would meet the approbation of the people. Three years would be a good term, and would ensure skill and effectiveness in the troops. It might be urged in this case, that the burden of the war would fall exclusively on the class that first went into service. In reply, I would remark, that, in making the requisition, the chances would be equal for all; and further, that such inducements should be held out as would cause the ranks to be filled without reluctance and without delay. Large bounties and good pay might be offered, besides a moderate provision for the families of those who should perish in their coun-

try's cause. This mode of raising an Army might seem, upon a superficial view, to be impolitic on account of its expensiveness; but I cannot doubt for a moment, that it would ultimately be a saving of treasure and of life.

14th. "What are the regulations of your State as to training the Militia?"

There are four annual trainings, (or musters as we call them here,) two for companies, one for battalions, and one for regiments. The law requires, I believe, that the troops shall be mustered or exercised three hours at least each time. In some cases it is complied with, but very often it is not. There is besides a drill muster for officers.

15th. "From your experience, are frequent musters advantageous to the great body of the militia?"

I am decidedly of opinion that they are not. I have answered this question, through inadvertence, in replying to the 11th. I can refer to the opinion of the Legislature of this State in support of my own, as it regards this subject. Until within a few years past, it was required that six musters should take place, (four for company exercises.) The number has been reduced, not, I presume, because the Legislature thought the militia was improving too rapidly in the military art, but for the more obvious reason, that they were not improving at all.

16th. "Would it be an improvement to confine the instruction to the officers exclusively?"

Unless a radical reform could be effected in the present system, I am of the opinion that it would be decidedly an improvement. It would be at least saving much time, and consequently much money. It would be doing away, too, frequent numerous and useless assemblages of the people, and would not therefore have an unhappy effect upon the morals of the community.

17th. "Is the system of *infantry* tactics directed by law, universally pursued?"

Not universally, I apprehend. Those officers who understand the system pursue it; but it must be confessed that there are too many among them who are not adepts in any system of tactics. They do not often remain long enough in service to learn much; and their opportunities are not of a very improving description whilst they do remain in it. But there are unquestionably many who are excellent and accomplished officers, who understand their duties, and who perform them, as well as the defects of the system to which they belong will permit.

18th. "What system of exercise and instruction of artillery have you practised or followed? What are its defects and remedies?"

The system for the "exercise and instruction of artillery," is in this State upon the worst possible footing; and wretched as the discipline of other corps is, this is still in a more abandoned and disorganized condition. The Adjutant General reports, I believe, some five or six hundred artillerists. Out of that number I have no knowledge of more than one or two companies that in any manner merit the de-

signation of artillery. There are not more than seven or eight (there should be one hundred at least,) pieces of artillery, I believe, in the State; and where they are used the instruction amounts to little more than firing with blank cartridges on anniversary and festival days. I am not aware that any system is generally pursued. I have seen a few copies of a meagre elementary work relating to artillery exercise, and I am not certain that they were all in the hands of artillery officers. Valuable works upon the subject are, I apprehend, still scarcer; but why should the officers procure them when they cannot have any kind of use for them?

The "defects" of this branch of the system are, that the artillery corps have neither guns nor ammunition, that the officers have had no means of acquiring information, and are therefore not very competent to instruct the privates, and that the time prescribed by law for exercising, is too limited for a course of instruction to be attended with any advantages. The "remedies" are in the hands of the Government.

19th "What system of cavalry tactics have you adopted? What are its defects and remedies?"

I do not know that any particular system has been adopted. There are not less than twenty troops of cavalry in the State; some of them make a very excellent appearance and are well disciplined; but in general their equipments are not very good, nor their discipline very exact. The "defects" are, that arms are wanting, and means of equipment. These corps are expensive, and cannot be kept up in that condition of good order and effectiveness which would be desirable, without much additional encouragement from the Government. I do not consider the cavalry, though, of the same importance to national strength or national defence as the infantry and artillery. If I am not mistaken, the experience of the United States, thus far, warrants the opinion that the expense of cavalry corps is much greater than any services which it can be expected they can render, would be. It is doubtless good policy though, to keep up their organization, and to make it as perfect as practicable. Cavalry is all important to an Army where cavalry is opposed to it, and though the United States will not probably ever have to encounter an enemy that will be very strong in that description of troops, yet I consider it sound national policy to be provided with every means of defence which the art of war can furnish.

Submitting, with much respect and diffidence, the foregoing replies to the various queries propounded in your circular. I will take the further liberty, in reply to the remark, that if "any thing suggests itself worthy of communication, though not called for by any particular question, it will be highly acceptable," of making some additional observations.

1st. *Of military instruction.*

If a system of instruction is adopted to comprehend the whole militia, my opinion is, that regular encampments should be made twice in each year. They should encamp by divisions; one half of the offi-

cers and men at one period, and the other half at another. Not less than three weeks should be devoted to military exercises at each encampment. Officers from the regular army should be detached for the purpose of superintending these exercises, and for this purpose the number of regular officers should be largely increased. The most rigid and punctilious discipline should be maintained. Arms might be furnished, if necessary, in sufficient quantities, to teach the troops the manual exercise; but to teach them the use of the legs would be the great desideratum. But suppose the instruction to be confined entirely to the officers, which I am inclined to think the most eligible, and at the same time the most practicable plan. I would propose that the State, say the State of Kentucky, should be divided into a certain number of military districts, (not more than six;) that the officers in each district should form a camp for instruction once every year, and for a month each time; that regular officers should be assigned to their instruction; and that the most important branches of the science should be indefatigably inculcated—infantry and artillery tactics particularly. Light pieces of ordnance should be furnished, with a sufficient quantity of powder and ball for practice. Field fortification, at least the elements of it, should be taught. The cavalry discipline might also be easily incorporated into the course of instruction. There is a difficulty in the way. It is this: would it do to call men from their business and their homes for the term of one month in every year, without any compensation? I think not; but they might be easily compensated, and without throwing the slightest additional burden on the people. Do away the present militia system, and, in lieu of the fines and penalties now inflicted by the law, let a tax be collected to a small amount, from every man subject to militia duty, say of one dollar yearly. This would no doubt be cheerfully paid, though a smaller sum would do. Let this tax form a military fund, for the compensation of the officers who have taken upon themselves all the burdens of the militia service. The compensation should be moderate, say $15 per month to every officer, without any distinction of rank. There is no reason why there should be any distinction in this case. They are not yet in service; they are only at school.

In this manner, I have not any doubt, that an Army of excellent officers might be formed, not perhaps very theoretical or scientific, but well acquainted with the practical and important part of their duties; and, with tolerable materials, such officers would soon form an Army of active and efficient soldiers. But this is only an outline. If any thing was attempted on a similar plan, though I dare not flatter myself that any thing will be, there would be but little difficulty in arranging the details where the governing principles were decided on.

2d. *Of public arms.*

From what I have witnessed in this State, I feel it my duty to say, that I am apprehensive the National Government is not making the best possible use of the public arms. Those distributed among the different States, are not applied, I fear, to any purposes eventually

and permanently beneficial. I speak only from what I have observed in the State of Kentucky. Here the Governor is authorized to issue them at his discretion to companies who wish to have them. They are therefore scattered over the State in every direction; many of them are destroyed; many become injured and useless, without having been of the slightest service. The men into whose hands they are put, are under no obligation to use them in the event of a war; and it might very readily happen, that, on a pressing occasion, it would be utterly impracticable to have them collected at any point. It is true, that the Governor takes a bond, conditioned for their safe keeping and return; and it is equally true, that although it is notorious that many stands have been injured and destroyed, that the penalty of no bond has yet been exacted. A Governor can do nothing in this case. Although he may be well satisfied that it is imprudent to distribute the arms, yet, when he is authorized to give them out by the legislature, and pressingly applied to for them by his fellow citizens, it is very difficult, if not impossible, for him to resist the application. It would be asserted at once, that he was unfriendly to his country, and unwilling to foster the military spirit of his countrymen. There is but one remedy. The General Government should not place more than one-fourth of the quota of each State under the unconditional control of the State authorities. This is a subject in all respects worthy of attention. All men acknowledge the importance to an Army of a supply of arms; and when we recollect how near New Orleans was being lost for the want of a few muskets, the truth of this fact impresses itself on our minds, without recurrence to the formality of argument or of illustration. Weapons should always be kept *in depot* at some convenient place, and ready for any emergency. But should our present system be pursued, in future wars we shall be wholly unable to act either offensively or defensively, for want of arms: for I venture to assert, that within fifteen years time after the distribution of those arms, three-fourths of the drawers, when called on for them, will be able to render nothing but "a beggarly account of empty boxes." Some corrective ought to be applied; and if Congress would say, that not more than a fourth of the quota of each State should be delivered to the State authorities, without an order from the Secretary of War, it would be sufficient. If an extraordinary number of arms should happen to be wanting on any particular occasion, such an order could be easily obtained.

These remarks I intend to be applicable only to this State, as I am entirely unacquainted with the course pursued by other States in regard to this matter.

3d. *Of uniformity in military discipline.*

This is a subject, I think, of no little importance, and is one which should be duly considered whenever any attempt is made to place the military force of this country on a respectable footing. Uniformity in discipline becomes signally important, when we reflect that, in this country, troops will probably always act in small and detached bodies. Where they are manœuvered in heavy masses of twenty or thir-

ty thousand men, it loses in a great degree its importance; but this will scarcely be the case, as long as the United States maintain their federative integrity. An enemy assailing us will be apt to direct his efforts against different sections of the country, and though we may have numerous armies, they will not be very large. There were four or five systems of tactics in use at the same time among our troops last war, and the consequence must have been inevitably the creation of much perplexity, if two corps using different systems had been under the necessity of manœuvering together. Great attention ought to be paid in the formation of a system. Great pains should be used to give it general dissemination, and no changes should be afterwards made, unless to correct some obvious defect, or to introduce some obvious improvement.

4th.—*Of forming Armies.*

In organizing a large military force, in a country like ours, I think some attention might be properly paid to the sectional character of the People. The habits and propensities of the citizens should be at all times taken into consideration. Cavalry and riflemen might, with great advantages, be taken from the States West of the Alleghany mountains. No country can furnish better horsemen, or more expert marksmen. Riding here is the employment or amusement of a great portion of the community, young or old; and a young dragoon, taken from among us, would not need the instruction of a riding master to direct him how to manage his horse. The race of *hunters* is nearly extinct in the West; but, as they pass from among us, they bequeath to their descendants a large portion of their enterprise in action, and of their dexterity with their weapons. Such men surely must possess advantages, as cavalry or riflemen, that no other People in the world possess.

5th.—*Of the military character of the People of the United States.*

There are reasons why the Americans should be the best troops in the world, if properly disciplined. They have more property and more rights to fight for than any other People. Their intellectual endowments are greater, and their moral courage should be exactly in the same ratio. An ingenious French writer, in a work called "*Caractere des armées Européennes.*" ascribes to the British soldier superior intrepidity, and to the French soldier superior intelligence. Without arrogance we may safely assert that the American soldier is not surpassed in intrepidity by the Briton; and we may say, too, without arrogance, that he surpasses the Frenchman in intelligence. If, then, intelligence and courage will make good soldiers, who should make better than the Americans? In my own State, I am egotist enough to suppose that the best possible materials may be found, both for officers and soldiers. I say this with the more boldness, because we have had already, among our militia, a Shelby, an Adair, a Madison, a Daviess, and a host besides, of brave, intelligent, and patriotic men. Among the regular troops we have had, and yet have, a Jesup and a Croghan. I am liberal enough too, to believe, and I feel a national

pride in believing, that the other States are not behind us in intelligence, in courage, or in patriotism. What then is wanting? MILITARY INSTRUCTION.

I shall conclude the subject with a quotation from the celebrated Guibert. He is high authority, I believe, among military men; and, the passage I quote, I think strikingly applicable, at least parts of it, to our military and militia system. "Ce ne sont pas," (says he) "les "arts et les sciences qui ont fait déchoir l'art militaire chez les peu- "ples de l'antiquité. Ce ne sont pas les arts et les sciences qui l'em- "pêchent aujourd'hui de faire de progrés. Les lumieres générales "devroient, au contraire, perfectionner cet art avec tous les autres. "Elles devroient rendre la tactique plus simple et plus savante, les "troupes plus instruites; les generaux meilleurs. Elles devroient "mettre la methode à la place de la routine, les combinaisons à la place "du hazard. *Si tandisque toutes les autres sciences se perfectionnent,* "*celle de la guerre reste dans l'enfance, c'est la faute des gouvernemens,* "*qui n'y attachent pas assez d'importance; qui n'en font pas un objet* "*d'education publique;* et qui ne dirigent pas vers cette profession les "hommes de genié."

The truth of *part* of this quotation, at least, is too obvious, too mortifyingly obvious, when applied to this country, to leave room for a single remark.

AMICUS PATRIÆ.

MEMOIR on the Organization of the Army of the United States, with a view to its giving effect to the Militia, when called into actual service.

THE first military establishment supported by the United States after the Revolutionary War, was a small corps raised for the purpose of keeping peace on the Indian frontiers, and for occupying some of our principal forts erected on the seaboard. Since the adoption of the Constitution, which now forms the supreme law of the land, the United States have constantly maintained a military establishment. This establishment was augmented or diminished according to circumstances; but never had received any organization, with a view to permanency, until the close of the war in 1815. It will hardly be necessary to recite all the modifications, as to organization and numerical strength, which the various acts of Congress gave to the military establishment, or to show the causes which led to the many changes which it underwent in the course of thirty-six years; the object of this memoir being to propose some improvements in our present military establishment, by giving it a permanent organization, and adapting it to a state of peace, as well as a state of war. The main spring of an Army is its general staff, the organization of which must, in a great measure, depend upon the country in which it is to act. The staff of the United States should be so organized in peace, as to be capable of

being extended in time of war to all the circumstances which may grow out of the exigencies of a state of war, while the principles of its organization should be unchanged thereby. It would therefore be proper that the staff be composed of every department essential to the operations of an Army; and, although in time of peace acting on a miniature scale, still it should be susceptible of being enlarged, and extending its rules and regulations to any number of forces, however large or small, united or detached. Hence, in time of peace, all the regulations for the government of the staff, and of every arm of the service, should be settled and acted upon, in order that the practice might the more readily obtain in time of war, and be introduced among the new troops and the militia, without difficulty or embarrassment. This, then, is the time for establishing a uniform system for the infantry, cavalry, and artillery; which, when once established, should not be subject to any alterations, except upon the most grave considerations, and after having the most convincing proof of their necessity.

The system of tactics ought to be uniform throughout, and that for the several arms ought, as far as possible, to conform to each other. It ought to be simple and easy of comprehension, avoiding all unnecessary manœuvres and complicated movements, which are never used in real service, and which only tend to embarrass new troops, and to render the system difficult for the militia, without producing any beneficial results, unless indeed it were to render the military profession so complicated that it could be acquired only by a long or regular course of instruction, and thus obliging the Government to resort to regular troops for any efficient service. The system which we now have, is undoubtedly framed on true principles; but is unnecessarily complicated, and might be much simplified. In the Revolutionary War, and a long time after, the work which contained the regulations of the infantry, and indeed for the whole army, was printed in a very small book, easy of comprehension, and produced sufficient order and regularity for all the purposes of parade and war, and could be readily learnt in the course of a few days; it wanted only the *eschellon* formations to render it complete. A work something of the same character, is now much wanted for our militia; and should be formed on the system adopted for the regular Army, leaving *the greater works* to be studied by those who might desire to pursue the higher branches of tactics. In the organization of the military establishment, the militia must be regarded; and this organization should have in view he perfecting of the militia system, and the rendering effective that great portion of our military force. The military establishment of the United States should therefore be so organized, that, while it is capable of extending itself, it may be able to afford the best means of giving efficiency to the great natural arm of the republic, THE MILITIA. And it is accordingly proposed. in the sequel, to offer some reflections on the classification and organization of the Militia, with a view to the defence of the country against attacks from abroad, and the maintenance of order, and the support of the laws within the Republic.

The present military establishment of the United States is perhaps *reduced* to its minimum. It consists of a general staff, pretty well

organized; four regiments of artillery, and seven regiments of infantry; and a corps of engineers. The artillery occupy the forts on the seaboard from Maine to Louisiana, and have charge of the arsenals or ordnance depots; and the infantry, for the most part, are stationed on the Indian frontiers. There is, besides these, the Military Academy at West Point, composed of instructors and 250 cadets, and a School of Artillery practice at Fortress Monroe, on Old Point Comfort, in Virginia; the latter being merely for instruction, without augmenting the numerical force of the Army.

The organization of the Army is as follows:

GENERAL STAFF.

Major General,	1
Brigadier Generals,	2
Adjutant General,	1
Inspector Generals,	2
Quartermaster General,	1
Quartermasters,	4
Commissary General of Subsistence,	1
Paymaster General,	1
Paymasters,	14
Commissary General of Purchases,	1
Military Storekeepers,	2
Surgeon General,	1
Surgeons,	8
Assistant Surgeons,	45
Topographical Engineers and Assistants,	10

NOTE.—There are also Assistant Quartermasters and 50 Assistant Commissaries of Subsistence, who are taken from the line.

REGIMENTS AND CORPS.

RANK.	Engineers.	1st Art'y.	2d Art'y.	3d Art'y.	4th Art'y.	Ordnance.	1st Inf'y.	2d Inf'y.	3d Inf'y.	4th Inf'y.	5th Inf'y.	6th Inf'y.	7th Inf'y.	Total.
Colonels, - -	1	1	1	1	1		1	1	1	1	1	1	1	12
Lieutenant Colonels,	1	1	1	1	1		1	1	1	1	1	1	1	12
Majors, - -	2	1	1	1	1		1	1	1	1	1	1	1	13
Captains, - -	6	9	9	9	9	4	10	10	10	10	10	10	10	116
1st Lieutenants, -	6	18	18	18	18		10	10	10	10	10	10	10	148
2d Lieutenants, -	6	18	18	18	18		10	10	10	10	10	10	10	148
Sergeant Majors, -		1	1	1	1		1	1	1	1	1	1	1	11
Qr. Mr. Sergeants,		1	1	1	1		1	1	1	1	1	1	1	11
Sergeants, - -		36	36	36	36		30	30	30	30	30	30	30	354
Corporals, -		36	36	36	36		40	40	40	40	40	40	40	424
P. Musicians, -							2	2	2	2	2	2	2	14
Musicians, - -		18	18	18	18		20	20	20	20	20	20	20	212
Ord'n. Laborers, -						56								56
Artificers, - -		27	27	27	27									108
Privates, - -		378	378	378	378		420	420	420	420	420	420	420	4452
Total com'd.	22	48	48	48	48	4	33	33	33	33	33	38	33	449
non-com'd.	-	497	497	497	497	56	514	514	514	514	514	514	514	5692
Aggregate,	22	545	545	545	545	60	547	547	547	547	547	547	547	6091

The principal objection to the organization of our military establishment is this: there are four regiments of artillery, each regiment a distinct corps, and commanded by a Colonel; consequently, there is no head or central point to which the artillery can refer, and consequently there is very little chance of its improvement, while it remains without a head or chief. The artillery, besides having the charge of the ordnance department, is an arm of such importance that it ought to be cherished with the greatest care, and placed under the control of a general officer, who, besides having the command of all the forts on the seaboard, should, under the direction of the Secretary of War, superintend the armament of the fortresses building, and to be built; the furnishing of the arms for the infantry and cavalry of the regular Army, and for the militia and volunteers of the several States, according to the Acts of Congress, and the exigencies growing out of particular circumstances, either of foreign aggression or domestic insurrection. The artillery department is one of the greatest moment to the Government; as, without a due administration of what concerns that department, incalculable abuse, extravagance, and finally disaster, must ensue. The expenditure, in time of peace, which it involves, is considerable; but in time of war it is enormous, and requires constant vigilance and attention to a strict accountability, to preserve the Treasury from bankruptcy. To enumerate all the objects of expenditure under the control of the artillery department, would require a catalogue in length equal to a common dictionary; but to present a few of those expensive articles, such as guns, gun-carriages, caissons, wagons and machinery, carts, horses, oxen, mules, muskets, pistols, swords, powder, lead, iron, harness, and equipments of all kinds, for a country like the United States,—to say nothing of the factories, foundries, arsenals, magazines, and other edifices for the fabrication and preservation of what belongs to the artillery and ordnance,—will be sufficient, it is presumed, to show that this Department is one which claims the special attention and supervision of the War Department, to which the nation will look for a faithful administration of what appertains to it. This subject is dwelled upon the more, as it is believed to demand the greatest vigilance and care of the Government; as it will be more or less useful as it may be well or ill administered. It is proposed to form it into a separate Department, under the immediate control of the War Department. Its organization might, with propriety, consist of a general officer, who should be styled *Inspector General of Artillery*, one Brigade Major, and one Aid-de-Camp, to assist the General in the details of service, to be taken from the officers of artillery, without regard to rank; four Colonels Directors, commanding regiments; four Lieutenant Colonels, and four Majors, sub-directors—the regiments in other respects to remain as now organized for the peace establishment. It has been a subject of some doubt whether it would not be an improvement to restore the ordnance to its former state, by creating a separate corps for the ordnance, and no longer to take the officers of artillery to do the duty, by detail, as is now done. It is certain that

any particular service is better performed by those who are in the constant practice of it, than by those who are occasionally called to execute, for a short time, that which has not been their previous study. If the present organization of the artillery is to give to all the officers of that arm a knowledge of the fabrication, construction, manipulation, and manufacture of what belongs to the ordnance, it would no doubt improve the officers of artillery; but it is hardly to be expected that they can be proficient in both the manufacture and application of artillery; it is beyond a doubt better that their duties should be separate, in order to produce in each the requisite perfection. It is therefore proposed that the two services be separated, both on the score of economy and the perfection of these two important branches of the service. There ought to be a separate corps established, to be called the *Corps of Ordnance*, and placed under the direction of the commanding General of the Artillery. This corps should be composed of the number of officers necessary for the service, consisting of the requisite number of field officers, captains, and subalterns, corresponding with the extent of the duties and number of posts now occupied by the Ordnance Department. The artillery and ordnance may be considered as appertaining to the militia, as well as to the regular forces; they ought to control all that belongs to both, under their appropriate heads. The preparations which the Artillery Department should make, ought to embrace what will be necessary for the militia, as well as the regular Army; and no park or detachment of artillery should be formed for the militia, without the proper proportion of directors, ordnance officers, conductors, &c. detailed from the regular Army, so as to keep at all times the distribution and accountability in the hands of the national officers, more especially as the expense must be at the charge of the general Government, and the responsibility rests with it. Enough, it is presumed, has been said to show the great importance of the Artillery Department, and the necessity of its being placed under the most strict *surveillance* and accountability.

The infantry is very well organized at present, and needs no alteration, except so far as designating a general officer, who should be charged with the exclusive command of that arm, to be styled *the General of Infantry*. This division of command, and the separation of these two arms, the Artillery and Infantry, will naturally create an emulation to excel, which would result in much benefit to the public service, as well as to each one individually.

The Engineer Department, from the growing importance and increase of duties assigned to it, naturally requires an increase in numbers, and a more efficient organization—the organization to be such as to admit a gradual increase from the most distinguished of the cadets of the military academy, who are annually graduated, until the corps of engineers should double its present numbers; and the topographical engineers to be formed into a corps to correspond with the present organization of the corps of engineers, as at present the topographical engineers consist of six majors, and four captains; the other assistants are taken from the line of the Army, and temporarily attach-

ed to the engineer service. For the want of officers of the corps of engineers, the Engineer Department is obliged to employ, at extravagant rates, individuals to do the duty of engineers; and thus the cost of the public works is greater than otherwise it would be, if officers sufficient were at the command of the Engineer Department, besides the certainty of having the duty properly performed, and the power of holding to a strict responsibility, those who bear the regular commission of the Government, and who are subject to military law for any neglect of duty.

The Engineer Department, like that of the Artillery, is not simply for the service of the regular Army, but its officers may be considered as applicable to the militia service, and may be ordered to act with the militia whenever it may be necessary: and such are the duties enjoined on the engineers, that both corps ought to be completed in time of peace, to an establishment suited to a state of war. The expense attending this arm, as regards its permanent support, is much less than that of any other; because it is composed solely of officers, who are liable to perform any duty the President may direct, either in superintending the construction of fortifications, internal improvements, in the staff, in the command of fortresses, or troops in the field, whether regulars or militia; so that the increase of these officers, to a reasonable number, cannot but be beneficial to the public interest. The increase of expense for the pay of the additional officers will in reality be a considerable saving, as it will so much diminish the expense of hiring individuals less competent, and less interested for the public service, as before stated.

The general staff ought not to be considered merely the staff of the regular Army, but as THE NATIONAL MILITARY STAFF, applicable alike to the regular and militia forces when called into the service of the United States; and no body of militia or volunteers should be called into the public service, without there being assigned to it a due proportion of regular staff officers of the different branches, to see to its wants, its organization, equipment, and efficiency for the public service. It is not meant, by this assignment of a regular staff to the militia, to interfere with the constitutional provision, that the militia should be commanded by its own officers. The staff has no direct command over the troops; it should be attached to the General appointed to the chief command, to assist him in the details of service, to provide the necessary means of instruction, the munitions, the transport, quarters, hospitals, and hospital stores, pay, clothing, arms, and in fact, every thing necessary to render them effective, even as to organization and instruction. They should be mustered and inspected by the regular staff, and on such musters alone should they be paid. The staff being well acquainted with its duties, would easily disseminate among the militia a due system of order and accountability, and by employing intelligent militia officers as assistants in the staff, form valuable staff officers from among the very militia itself. The cause of the great expense accompanying the employment of militia, and their inefficiency, is that of their being usually called into service

without the accompanyment of a good staff. The General, or other officer commanding them, being without the necessary aids to carry into effect his intentions, and being obliged to do every thing himself, many important matters are of course neglected, the militia get dissatisfied and disheartened, become sickly, and finally either die or desert, for the want of many essentials to their comfort, discipline, and profitable employment. The general staff ought to be organized into *departments* or *corps*, and designated by some suitable denomination; and there ought to be grades among the officers similar to those of other corps in the service. For example, the Quartermaster's Department, or Corps of Quartermasters; Subsistence Department, or Corps of Commissaries of Subsistence; Medical Department, or Corps of Physicians and Surgeons, &c. &c. Our present organization is in effect the same; but it does not sufficiently divide the grades among the officers in fair proportions to the regimental establishments of the line. By organizing the staff into corps, these several staff corps might be enlarged or diminished, without breaking in upon a regular system, and, at the same time, the officers belonging to these corps would have secured to them all the chances of promotion which officers in the line are in expectation of, and do actually enjoy. The graduated cadets of the military academy might, with great propriety and advantage to themselves and to the public, be employed in the several branches of the staff, previously to their joining their regiments; and if on trial some of them should manifest peculiar qualifications for staff employments, they might be continued therein, instead of hiring clerks to perform duties which they might very well perform; and by thus educating, as it were, additional staff officers, who might, as occasion should require, act as staff officers, thereby multiply the means of giving effect to the militia, and, indeed, to the regular forces, according to the plan indicated, as it regards the staff.

As the military establishment is very limited, and as the military academy supplies it with excellent officers, it has suggested itself that, to render the rank and file more efficient, and to enable the Government to extend the establishment to a greater number in time of war, that a valuable improvement might be made by filling the rank and file by a new method, and instructing them with a view to forming a corps of non-commissioned officers, who might be distributed into the new corps or militia, on the breaking out of a war; and thus, with the officers and soldiers of the present establishment, the Government would be enabled effectually to provide officers and non-commissioned officers for an Army of one hundred thousand men, as great a number as this country would probably require, under any circumstances, for a long time to come. The plan proposed is as follows: To enlist, with the consent of themselves and parents or guardians, a number of boys annually, to replace the present soldiers of the Army; these boys to be enlisted for fifteen years, and not to be under fourteen, nor more than sixteen years of age; to be assembled at two or more places, where schools should be established for their instruction, with a view of making them non commissioned officers. They should

be taught to read and write the English language, arithmetic, and practical geometry, and to perform all the duties of private soldiers and non-commissioned officers: besides, they should be instructed in the mechanic arts, with a view to making them good artificers in iron, brass, wood, leather, &c. &c. and in the construction of carriages, machines, masonry, carpentry, and every other branch applicable to the military art, and which would be useful to them in civil life, after their discharge from the public service. Their pay for the first three years to be the half of the pay of a private soldier, with the full allowances of clothing, rations, &c. except the *liquor*, which should be abolished; then, for the next three years, the full pay of a soldier; after which they should have the brevet rank and the pay and emoluments of a corporal for five years, and after that period the brevet rank and pay and emoluments of a sergeant; so that, in time, the present Army would become a corps of non-commissioned officers. On the same principle, a corps of excellent musicians may be created, if deemed necessary. The operation should be gradual, so as to create one or more companies at a time, which would replace by degrees the rank and file of the present Army, by relieving whole companies and garrisons at a time. These young soldiers, notwithstanding their having the grade of non-commissioned officers, should be liable to do all the duties of private soldiers, as well as those of non-commissioned officers; and such of them as should be selected and appointed to do the duty of non-commissioned officers, should receive, while performing such duty, double pay. By this arrangement, it would be in the power of Government to augment the Army to one hundred thousand men; and in less than two months thereafter, they would be more efficient than our Army was during the late war, after serving two years; because there would be competent officers and non-commissioned officers to instruct the new recruits, to attend to their wants and comforts, and render them efficient, who would account to Government for the arms, clothing, munitions, &c. &c. furnished for the public service.

Besides affording the means of augmenting the regular Army, incalculable benefits would result to the militia by the employment of suitable non-commissioned officers to instruct and drill the companies called into the public service. One commissioned officer as instructor to each militia battalion, to instruct the officers, and one non-commissioned officer as assistant instructor to each company, to instruct the non-commissioned officers and privates, would soon introduce into the militia, after they were called into the service of the United States, a sufficient degree of discipline and instruction to render them very efficient troops.

Thus it is that the proposed organization of the regular military peace establishment would render the militia effective when called out in defence of the country. A few days' training under accomplished officers and non-commissioned officers of the regular Army, would introduce system, order, and efficiency into the militia battalions; and, if continued in service for one year, and clothed, paid, and equipped

by the United States, it would be difficult, at the end of six months, to distinguish them from the regular troops of the line.

To render the militia effective, and the duty enjoined upon them least burthensome and painful to the great mass of the People, when required to come forward in defence of the country, a specific organization and classification should be determined on by the National Legislature at the present time, while we are enjoying profound peace.

The present organization of the militia appears to be well suited to a state of peace; it is not, therefore, proposed to offer any alterations as it regards their peace establishment, but it is with a view of obtaining their services in times of war, that the proposed system is presented for consideration. The calling out of entire divisions, brigades, and regiments, at a time, has been proved, in the late war, to be not only expensive, but attended, for the most part, with very little results, if any: and indeed it is well known to have been exceedingly distressing to the community, especially to those families, the heads or parents of which were drafted to perform military duty at a distance from home, leaving their families without their natural protectors and consequent support—their occupations and farms neglected during their absence; so that, instead of aiding in the means of defence, a positive loss must have been experienced, by the ruin at home and the consequences attendant on that condition, among a valuable class of citizens. In order to remedy this evil, and to make the call less heavy and painful on the community, it is proposed to divide the militia into *two classes*, one to be denominated THE ACTIVE, and the other SEDENTARY; the *active* to be subject to the drafts, to serve abroad, and the *sedentary* to remain for the home defence, and not liable to be called out, unless the enemy threaten their immediate vicinity, when they might form the garrisons of particular forts near at hand, or do duty in their towns or villages, or be embodied only so long as the enemy should remain in their immediate neighborhood, when every man ought to be ready to defend his fireside. The *active* militia should consist of all the unmarried men from sixteen to twenty-eight or thirty years of age, and the *sedentary* of all above that age, and all the married men, and heads of families. The drafts for service, by the United States, to be made on the *active*, by battalions; that is, the call should embrace a certain number of battalions; each battalion to consist of a certain number of officers and men, who should assemble and march to the place of rendezvous, where each battalion, as it arrived, would be organized, mustered, inspected, and numbered, by an Inspector from the regular staff; and, on that inspection and muster, the payrolls and requisitions for the necessary supplies alone would be made and issued. The battalion then would take a regular form, and receive the proper instruction from the instructors and assistant instructors, and, for the term of one year, would be, to all intents and purposes, a regular battalion. Every man thus drafted, who should serve faithfully for one year, unless sooner discharged, should receive *an honorable discharge*, which should forever thereafter exempt him from military duty, except in the sedentary militia, where every man, old

and young, should be liable to do duty on emergencies. The battalions thus organized and embodied, should be kept up during the whole war, if the public service should require it, and be filled by new drafts, three months before the expiration of the term of service of the old drafts, when, if the battalion should be full, one-half of the old soldiers might be discharged, and the remainder at the end of the year, so as to keep, at all times, in service with the battalion, a number of old soldiers to give instruction and efficiency to the new drafts. The officers, like the soldiers, should be liable to be discharged at the end of their term of duty; that is, at the end of the year; but should any desire to remain longer in service, if approved by the General of the district, they might be continued during the whole time for which the battalion might be kept up, and promoted by the Governors of their respective States on the recommendation of the commanding General, and on the reports of the Inspectors—all vacancies to be filled on requisitions made by the General Government on the States respectively. The officers, non-commissioned officers, musicians, and soldiers of the militia, to receive the same pay and emoluments as the officers, non-commissioned officers, musicians, and soldiers of the regular Army; be subject, during that term of service, to the same rules, regulations, and discipline, and to be entitled to the same provisions for wounds and disabilities, and the same benefits and allowances in every respect as those belonging to the regular Army.

The augmentation which the present Army is capable of, is as follows:

CORPS OF ENGINEERS.

To be gradually increased to

1 Brigadier General, Chief Engineer, Inspector General of fortifications.
2 Colonels, directors.
4 Lt. Colonels, } Sub-directors.
4 Majors, }
20 Captains.
20 First Lieutenants. Corps of sappers and miners, 400

CORPS OF TOPOGRAPHICAL ENGINEERS.

1 Colonel.
1 Lt Colonel.
2 Majors.
6 Captains.
12 First Lieutenants.

ARTILLERY.

1 Brigadier General, Inspector General of Artillery.

1 Colonel of Ordnance, 1 Lt. Colonel of ditto, 2 Majors, 10 Captains, 10 First Lieutenants, 10 Second Lieutenants,	Corps of Ordnance.

4 REGIMENTS OF ARTILLERY, each regiment

1 Colonel, 2 Lt. Colonels, 2 Majors, 1 Adjutant,	Field and Staff.
4 Sub-Adjutants, 4 Sub-Qr. Masters, 2 Chief Musicians,	Non-commissioned Staff, with the pay and emoluments of Cadets.

20 Companies, 4 of which companies to be Light Artillery, each company to consist of

1 Captain.	8 Corporals.
2 First Lieutenants.	8 Artificers.
2 Second Lieutenants.	2 Musicians.
1 Sergeant Major.	120 Privates.
1 Qr. Master Sergeant.	——
4 Sergeants.	149

Then we would have 4 regiments of 20 companies each, of which there would be

16 Light Companies, 144 each,	2,304
14 Bat. Companies,	9,216
Total Artillery.	11,520
INFANTRY of the line, 40 Regts. 1000 strong,	40,000
CAVALRY 6 Regts. 500	3,000
	54,520

The Regiments of Infantry to furnish the Grenadiers, Light Infantry, and Riflemen, from their respective flank Companies.

40 Battalions of embodied militia, 1000 strong,	40,000
	94,520
Attached to the trains of the engineers, artillery, ordnance, Quartermaster's Department, commissariat, hospital, &c., to be organized only under particular circumstances,	5,480
	100,000

Now let us proceed to show how this is to be done.

OF THE ARTILLERY.

The present establishment contains,

4	Colonels,	
4	Lieutenant Colonels,	
4	Majors, - - - - - - - -	12
40	Captains,	
76	1st Lieutenants,	
76	2d Lieutenants,	
76	Brevets, - - - - - - - -	268

Proposed war establishment will require

4	Colonels,	
8	Lieutenant Colonels,	
8	Majors, - - - - - - - -	20
80	Captains,	
160	1st Lieutenants,	
160	2d Lieutenants, - - - - - - -	400

To be supplied 8 field officers and 132 company officers. The artillery could be officered out of the present corps of artillery, and the cadets of the military academy and the most prominent of the school of non-commissioned officers. The men to be obtained by enlistment.

INFANTRY.

To make the 40 regiments of infantry out of the present establishment of 7 regiments, and also the 6 regiments of cavalry—

Present establishment contains,

7	Colonels,	
7	Lieutenant Colonels,	
7	Majors, - - - - - - - -	21
70	Captains,	
70	1st Lieutenants,	
70	2d Lieutenants,	
70	Brevets, - - - - - - - -	280

Proposed establishment,

46	Colonels,	
46	Lieutenant Colonels,	
46	Majors, - - - - - - - -	138
460	Captains,	
460	1st Lieutenants,	
460	2d Lieutenants, - - - - - - -	1380

To each regiment one effective Colonel from the field officers and Captains of the Army, - - - - - - -	46
The Lieutenant Colonels and Majors from those not in service, officers who have served, or influential and respectable citizens, - - - - - - - -	92
	138

The Captains to be appointed from the remaining Captains, and Lieutenants, and Cadets, of the Military Academy; but we have left now, deducting the 46 Colonels from 301 officers, - - - - - -	255	
To make up the number are required - which must be taken from the cadets at West Point.	205	460 Capts.
The Lieutenants to be taken from the prominent non-commissioned officers and from respectable young citizens.		920
		1380

RECAPITULATION.

The number of officers to be supplied from the officers, cadets, and non-commissioned officers,

for artillery 420
for infantry 506——926

Number of officers now in the artillery, - - - -	268
Number of officers of infantry, - - - -	301
Number of cadets, say - - - - - -	200
	769
Number of non-commissioned officers, supposed to be fit for officers out of the 6000, say 318, which is three to a company	318
	1087
Number to be supplied, - - - - - -	926
Leaving over, to make regimental staff officers, - -	161

The non-commissioned officers not promoted, to be distributed among the companies of artillery, infantry, and cavalry, so as to give to each company at least six, and to the militia, one per company, as an assistant instructor. These last are to be selected for superior acquirements in the drill, and for exemplary conduct, and ought to receive the rank, pay, and emoluments of cadets.

But as it would not be wise to appoint any but efficient officers to command companies, it would be prudent to appoint, in the first instance, but eight Captains to a regiment; and, after the first year, select, on the recommendation of the field officers of the regiment, from among the Lieutenants, two Captains to each regiment, to complete the establishment.

The distribution of the non-commissioned officers would be as follows:

For the infantry and cavalry, - - - - -	3,000
For the artillery, ordnance, and engineers, - -	2,282
For the militia, - - - - - -	400
For promotion of Lieutenancies, and staff - -	318
	6,000

In time of war it will be necessary to organize a train for the artillery; a train for the engineers; a corps of artificers to be attached to the Quartermaster General's department; a corps of pontoniers to be attached to the engineers, besides the corps of sappers and miners. The sappers and miners ought to be organized at present, as it is a service that requires a great deal of instruction. They might be usefully employed at the Military Academy, and in the fortifications. The corps of sappers and miners might be so organized as to have in its composition a valuable set of artificers, who would be very serviceable in the construction of forts and other military and civil edifices, under the direction of the engineers.

The other designated trains can so easily be put in operation under officers of the artillery and Quartermaster's Department, that it is not necessary to organize, in time of peace, any thing of the kind; besides the talents of the officers for such service, there is such a wonderful facility in our country in obtaining excellent drivers, wagons, and any thing which relates to transport, by land, that it is better to be left to the discretion of the staff of the artillery and to the Quartermaster General, than to attempt any system at this time: for we must have part water, and part land carriage, and it requires only the presence of those excellent officers of the Quartermaster's Department to put in motion all the transport that may be required. The artillery having its particular equipments, must have a train of its own, to suit the particular objects of that arm; because the whole is to operate in the field, in sieges, and in the defence of places, according to the particular circumstances under which it may find itself, either at home or abroad. The United States are particularly blessed with a description of artificers that can turn their talents to any account, either with the axe or the spade, the plough, or the mechanic arts. Among all the implements of war, the axe, in this country, may be accounted one of the most important: for with it we can erect or destroy wooden bridges, or fell trees, and with the same instrument obstruct roads and approaches, and make them when they are wanted; we can construct batteries, build forts, barracks, and cantonments, supply ourselves with fuel, and, indeed, do many things that are not known, except in this country, where the axe is all important. It is, therefore, unnecessary to organize, in time of peace, in this country, many of those establishments essential to military operations in other countries. We can command them at pleasure, both in the personal and the material, and at a rate and in a perfection that no Government establishment can improve: but we must have laws to govern such establishments, when they are in the public employ, to prevent imposition, and to ensure a compliance with the mandates of authority, especially in time of war. All minor details are avoided in this memoir, which will so readily suggest themselves in time of war. The education of our officers, and their constant improvement in the various branches of the science of war, will point out to the practical officer the mode, as well as the time, to employ those things which are only wanted on the immediate spur of

the occasion, thereby avoiding all the expenses attendant on a permanent establishment of those costly equipages.

For a force of 94,520 we should require the following number and description of general officers at the commencement:

Four Major Generals.

Eight Brigadiers, besides those now in service; the number of the general officers eventually to be increased to twenty Brigadiers and eight Major Generals to command the troops in the field, independent of the general officers who may be employed in the staff, as chiefs of the staff, engineers, artillery, inspectors general, and heads of the several branches of administration, as Quartermaster General, &c. The staff must be complete in time of war, or the troops will never become efficient, but will be an irregular and expensive corps, on which no reliance could be placed. It is the staff alone that can give efficiency to the service, by a proper attention to the necessary supplies, organization, discipline, and accountability of all the departments of the service, regular as well as irregular. The general officers and staff officers should be selected with great care, for on them depends the successful employment of the troops, and the general defence of the country. They should all be men of character, talents, and experience, in whom the Nation and the Army could confide; and not those who, from popular favor, may for the moment have been brought into view, and who, in the first reverse, will lose the confidence of the Army and the People.

It may be supposed from the foregoing organization and remarks, that the sedentary militia are to be excluded from a participation in the defence of the country in time of war,—that is not the intention of this plan; it is to relieve them from taking the field for any length of time. They may be employed, as it has been before observed, under their present organization, in defence of the cities, ports, or harbors. The uniform or volunteer corps to preserve all their privileges, their dress, &c. but instead of carrying them off to the lines, or employing or quartering them in barracks at a distance from home, they will be left at liberty to pursue their avocations as usual; but immediately on a threatened invasion of their immediate vicinity, they will be embodied, and occupy the forts or entrenchments intended for the defence of their city, town, village or immediate vicinity, and do duty in a regular manner as long as the enemy may invest the place, or linger in their neighborhood; to march off into distant parts they will not be required, such service being reserved for the regular troops, and the embodied drafted battalions of the active militia, as before suggested.

ALEX. MACOMB,
Maj. Gen. Ch. Engineer.

To the Honorable the SECRETARY OF WAR

A TABLE showing the number of Men and Officers which each State and Territory would furnish, according to the plan for drafting the Militia to serve one year, agreeably to the Census of 1820.

STATE AND TERRITORY.	Number of men from 16 to 28 years of age, in each State and Territory.	Quota to be furnished by each State and Territory, to make up the 40,000.	Number of Battalions & Companies.		DESIGNATION AND NUMBER OF OFFICERS.				
			Bttls.	Cps.	Lieutenant Colonels.	Majors.	Captains.	1st Lieuts.	2d Lieuts.
Maine,	28,530	1,468	1	5	2	1	15	15	15
New Hampshire,	22.703	1,168	1	2	1	2	12	12	12
Massachusetts,	49,506	2,547	2	5	2	3	25	25	25
Rhode Island,	7,596	390		4		1	4	4	4
Connecticut,	25,831	1,327	1	3	1	1	13	13	13
Vermont,	24,137	1,241	1	3	1	1	13	13	13
New York,	134,753	6,931	6	9	7	7	69	69	69
New Jersey,	24,639	1,267	1	3	1	1	13	13	13
Pennsylvania,	102,550	5.273	5	3	5	5	53	53	53
Delaware,	5,516	284		3		1	3	3	3
Maryland,	26,404	1,357	1	4	2	1	14	14	14
Virginia,	58,863	3,015	3		3	3	30	30	30
North Carolina,	39,527	2,032	2		2	2	20	20	20
South Carolina,	23,984	1,233	1	2	2	1	12	12	12
Georgia,	19,483	1,002	1		1	1	10	10	10
Alabama,	9,336	481		5	1		5	5	5
Mississippi,	4,560	234		2		1	2	2	2
Louisiana,	8,747	450		5	1		5	5	5
Tennessee,	31,028	1,596	1	6	1	2	16	16	16
Kentucky,	41,328	2,125	2	1	2	2	21	21	21
Ohio,	57,008	2,932	2	9	3	3	29	29	29
Indiana,	14.428	741		7	1		7	7	7
Illinois,	6.224	319		3		1	3	3	3
Missouri,	6,537	335		3	1		3	3	3
Michigan,	1,334	68		1			1	1	1
Arkansas,	1,427	73		1			1	1	1
Dist. Columbia,	2,171	111		1			1	1	1
	778,150	40,000	40	90	40	40	400	400	400

Review of the "Memoir on the Organization of the Army of the United States, with a view to its giving effect to the Militia when called into actual service."

It is gratifying to see that the circular letter of the Hon. James Barbour, Secretary of War, of the 11th July, 1826, on the subject of the militia, addressed to the Governors of the several States and Territories, the general and other officers of the militia, and to the officers of the Army, and others interested, begins to attract the attention of those who are capable of aiding in the great undertaking which that circular offers for consideration. The subject is one of vital importance to the nation at large, and notwithstanding it claimed the early attention of the General Government, as far back as its first going into operation under the new constitution, there has, as yet, been no system established, by which the militia could be rendered effective.

Under the administration of General Washington, the attempt was first made to exercise the general power, granted by the constitution to the National Legislature, "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States."

Finding that there was an almost universal opposition on the part of the People to maintaining, in time of peace, a regular Army, growing out of the ancient hue and cry against such establishments in England, when it was believed that the military were embodied to oppose the People in their just claims to certain privileges, and when, perhaps, such really was the case, General Washington took repeated occasions to impress on Congress the necessity of organizing the militia as early as possible, and stated, in his speech at the opening of the second session, that, "among the interesting objects that would engage the attention of Congress, that of providing for the common defence, would merit its particular regard. To be prepared for war is one of the most effectual means of preserving peace. A Free People ought not only to be armed but disciplined; to which end, an uniform and well digested plan is requisite, and their safety and interest require that they should promote such manufactories as tend to render them independent on others for essential, particularly for military supplies."

During the next session of Congress, an act was passed for establishing an uniform militia.

Although General Washington was very anxious to establish, as early as possible, a system for the militia, knowing the repugnance of the People at large to a regular Army, as before observed, and that, therefore, no other means of defence could be obtained with the consent of the People, under the impressions which then existed, it was by no means his opinion that that species of force was either the most economical or least dangerous to the liberties of the citizen: for, in this country, the soldier, enlisted with his own free will and consent, could be regarded in no other light than a volunteer in the cause of

his country—still, he believed it was better to have some description of force, in reality or in name, rather than that the new Government should appear in the eyes of the world without any means of defence at its command. Besides, General Washington was desirous that the information, discipline, and experience, which were still existing among the remaining Revolutionary officers and soldiers, should not be suffered to die away, but be introduced under the sanction of a law, among the people, who should be enrolled in the militia; fearing that, should the opportunity pass away unimproved, such an advantage would not again occur, unless, unfortunately, the United States should be again involved in a long and arduous war.

Washington had no reliance on the militia, nor had any other commander in the Revolutionary or the last war. It is true, however, that many who had the command of the militia, from motives of policy, and for the purpose of impressing on the enemy a belief that the militia were exceedingly powerful, and that much reliance was placed on their exertions, did publish, in general orders, flattering accounts of their prowess, both to deceive the enemy and to encourage the militia to come forth in defence of their country.

While this species of deception may be warranted as a *ruse de guerre*, and have its effect in war, it has nevertheless produced great mischief, by giving a reputation to the militia, for efficiency, which they never merited, and thus that description of force has been too much relied on, as sufficient for all the purposes of defence—a reliance of a most dangerous tendency. The organization and system under which they could be employed, were exceedingly defective. They were, when called into the public service, a moth on the treasury. They cost twice as much as regular soldiers, and rendered hardly any service whatever. They were without discipline, discontented, badly officered, and miserably provided with every thing which was essential to their utility. These are facts which cannot be disputed, and ought not to be concealed. No unworthy imputation is here meant to be cast on the individual character of those who compose the militia—it is to expose the imperfection of the system under which their services were required.

The plan for organizing and employing the militia, proposed in the *memoir*, seems to have been written by one who is well acquainted with the subject, and the suggestions which it contains with regard to the improvement of the regular forces, and of the mode of rendering efficient the militia, when called into the service of the United States, or in other words, when employed in war, appear to be very judicious, and, as far as we are capable of judging, the best yet offered for the public consideration, both on the score of economy and efficiency.

The organization of the general staff into separate departments or corps, seems to be very proper, and highly advantageous: and that these staff corps should be the *main spring* of the regular and irregular forces, appears, under the views presented, as well calculated to produce that harmony and unity of action, which constitute the basis of discipline, and the strength of armies.

An army is efficient in proportion as its staff is well organized, and the members composing it honest, industrious, and intelligent. It will be of little avail, if the individual regiments, battalions, or corps, which compose an army, are in a high state of discipline, and well organized, if the general staff, which directs the whole, is incompetent to fulfil its important functions. Such an army, however patriotic and gallant, would soon have to submit to one of equal, nay, of less number of troops of inferior quality, under the guidance of a staff well organized, and composed of officers of experience, and well versed in their various and complicated duties: for while the troops of the former description would be daily diminishing in strength and discipline under an ill-regulated and ignorant staff, the latter would be improving in force, and discipline. by the good management and care of its excellent staff. It is not the individual exertions of corps, however spirited, that decide a campaign—it is the talant with which they are directed as a whole, and the means employed to maintain discipline, to provide for their comfort and subsistence, and the numerous supplies requisite for carrying on the war. Hence the suggestion of having officers of the regular Army to compose the heads of the staff for the militia, and for instructing them in their duties, appears not only reasonable, but very feasible, and, as the writer of the memoir says, *important*—inasmuch as the General Government is bound to supply the militia, when in the public service.

Whether the system of recruiting the regular Army, by engaging young lads and instructing them, will answer, the experiment alone can decide; it appears, however, not to be impracticable, and it is well worth the trial. Should it succeed, it will render our small military establishment very valuable, efficient, and economical; and its application to the militia, as the means of giving that portion of the military force organization and efficiency, may be esteemed an important consideration.

As it regards the militia, the distinction made between the *war and peace establishments*, appears both reasonable and judicious. The militia have two duties to perform: One is to suppress rebellion, the other to repel invasion. The present organization is sufficient for the maintenance of order and suppression of rebellion, and is therefore well calculated for a state of peace. But to make the militia a means of defence against foreign invasion, there must be an organization adapted to meet a state of war. The classification of the militia into *active* and *sedentary*, as proposed in the memoir, certainly possesses many important advantages. It leaves the elderly and married men at home to defend their firesides, while it does not draw them from their ordinary employments, and the immediate care of their families; at the same time possessing all the advantages as to organization, which the militia at present possess; and the young men who are unmarried can be employed any where, free from the cares of home, and all those miseries which they would suffer were they married and separated from their wives and children. This organization has not, however, the merit of originality. It was practised by the Canadian Govern-

ment in the late war, with great success. No troops could have presented a better appearance than the battalions of Canadian militia in Lower Canada, composed of young men, incorporated during the war. The men were, however, drafted to serve for one year only; and were quartered, dressed, and equipped like the troops of the line of the British Army, so that the experiment may be said to have been made with success. There have been various propositions for improving the state of discipline among the militia, or rather for instructing the militia. General Knox, Secretary of War, in his report to Congress during the administration of Washington, proposed, if our memory serves us, that the militia should be encamped three months in the year, and perform, during that term, all the duties of a soldier, and experience all the varieties incident to a military life. In theory, this plan appears exceedingly well, but to put it in practice, would require large sums of money; the three months would be passed like a frolic, accompanied with vicious indulgence, instead of resulting in any practical good; but, on the contrary, it would give to those called out, habits totally different from their avocations, which would unfit them for the ordinary pursuits of life. It has also been proposed to call out the officers and non-commissioned officers a certain number of days in each year. This plan appears better than the first; but, like it, if the officers and non-commissioned officers are to be paid, the expense would be burthensome, and the results but little better than the former. On the whole, we are inclined to believe that the plan proposed in the memoir, is the best, and most practicable; namely, that of leaving the militia for the peace establishment, as they are now organized; and for the war establishment, to divide them into *active* and *sedentary*. The first to be embodied like regular troops, and act abroad when required; and the latter to serve at home, only on emergencies.

The proper period for receiving instruction is youth, and, as every pains is taken to educate our youth in the rudiments of their language, in arithmetic, and in dancing, and gymnastic exercises, it appears to us that the military exercises should also form a part of early education, and thus avoid the trouble and loss of time which is occasioned by the present mode of attempting to drill the militia, after they have arrived at manhood. We would then suggest a plan for instructing the militia, by teaching our young lads at schools, and in the colleges, the military exercises, and make it a national and general object. Suppose, for instance, that the teachers of schools should be licensed in each Sate by the proper authorities; that such of the teachers as would instruct their pupils in the military art, as far as the *School of the Company*, should be compensated at a certain rate per boy, say one dollar per annum, to be paid by the General Government, on the certificate of the Inspector of the district or brigade within which the school might be situated, who should make a report to the Adjutant General of the State, of the number of boys at the schools within his district or brigade, to be laid before the Governor of the State, for the information of the Legislature; and also a similar return to the War Department, for the use of Con-

gress; and that each college in the Union should be endowed by Congress with a professor of the military art, in the higher branches. The plan is not so difficult as one would at first suppose: for it would be only necessary, in each school, to instruct three or four of the most intelligent and best behaved boys, in the first instance, who might be made the Captains and Lieutenants of the company, who would, after being well grounded in their duty, as set forth in the military regulations, instruct the other boys of the school. The officers and non-commissioned officers should be selected for their exemplary conduct, and it should be considered a great distinction to enjoy the offices. They should be furnished with wooden arms; they should be carefully taught how to stand firm, march, and wheel, and go through the manual exercises.

Every morning they should assemble on the parade ground before the school; the roll should be called in conformity with the regulations; after which they should march into school, and deposite their arms. Each Wednesday and Saturday afternoon should be exclusively devoted to the drill, when the school should appear in some neat, simple uniform. On particular days there should be, under the direction of the Brigade Major, a general muster of all the schools in his district, when they should be incorporated and formed into battalions, and manœuvered as such under his particular care. This would afford an opportunity of comparing the state of discipline in the several schools or companies. The general and field officers of the militia should attend and review the battalions, and publish in orders, through the Brigade Major, their opinion of the appearance, skill, and advancement in their military exercises, of each school. Take, for example, the District of Columbia; suppose that every school therein formed a company, each company in a neat uniform, say a blue Nankeen jacket and white pantaloons, black hat and white feather; and each with a flag to designate the company, should march up from their respective school houses, and assemble on the President's Square, and there, under the direction of the Inspector of the militia, to be formed into battalions and brigades. The young gentlemen of the colleges, who had advanced to the evolutions of the battalion and line, to take command of the battalions and brigades, and to perform the duty of adjutants, field and general officers. We might then see, in the course of a year, about 1600 or 2000 boys forming a most beautiful line, and exercising with a precision which the militia of the district could not obtain under their present regulation or mode of instruction. In the large cities, like New York, Philadelphia, Boston, and Baltimore, a small army might be paraded. The sight would be beautiful and highly interesting. The youth, when once instructed, would never forget the drill and evolutions. In confirmation of this assertion, it is well known that those who learn to dance when they are young, never forget the most complicated figures or difficult steps, while it is almost impossible to teach grown persons to dance or even to learn the figures of different dances. Dances are only steps, evolutions, and manœuvres, and they

are generally more difficult than the steps, marches, wheelings, and evolutions, which form the basis of the military movements. This plan cannot be carried into effect without the aid of the General Government; and all the aid required from it, is to pay one dollar per head, which, while it will lay the ground work of making a good militia, it will in fact be aiding in the general system of education throughout the Union, as the money spent would enable the masters to maintain themselves, and consequently to attend to their duties as teachers: for in many of the country places they get so little compensation in cash, that they are barely able to live. The objections which will be urged against this plan will be, that it will have a tendency to make the nation military, and thus give a propensity to war, which may lead us into difficulties, and perhaps furnish some designing character the means of usurping the reins of Government, and thus destroy our republican institutions; but we cannot conceive that fear to be well grounded. Have we not always been endeavoring to make our militia effective, to arm and discipline them? Are not the People enlightened and well acquainted with the nature of our institutions, and will they voluntarily sell themselves to a tyrant or a usurper? No: the thing is preposterous. Only educate the youth with care, and they will, when they grow up, know how to value the rights and privileges of an American citizen; and, while they have arms in their hands, and know how to use them, will be more likely to maintain those rights and privileges than barter them for the smiles of an usurper, however dignified in assumed titles, or powerful by the support of traitors and unprincipled adherents.

WASHINGTON CITY, *Nov.* 9, 1826.

To the Hon. JAMES BARBOUR,

Secretary of War:

SIR: His Excellency Governor Lincoln, of Massachusetts, put into my hands, four copies of your printed circular on the subject of militia organization and improvement, and directed me so to distribute them as best to answer the object in view.

I have now, the honor to enclose to you, such answers as I have received from those to whom they were addressed, as well as one or two volunteer communications from intelligent gentlemen, who entertained particular views of the subject to which the publication of your circular had called their attention. In addition to these, I have been requested to forward the votes and petitions of several officers of the militia on former occasions, expressive of their opinions on the best mode of removing some of the defects in the present system. I have also added a copy of a letter from Brigadier General Dearborn, which, though written with relation to another paper, contains his sentiments on some important points in your circular.

The letter enclosed, from Mr. N. Howland, of Rhode Island, pointing out the evils which exist in that State, was written at my request.

This, I also submit to your consideration, as I am not aware, that the Board of officers, to whom you have submitted all the papers you have received, have had any communication from that State before them.

Having, through your partiality, the honor of a seat at the Board of officers, who have your directions, among other things, to revise the system of organization and instruction of the militia, I did not think it necessary for me to enter so much at large into the discussion of the subject, in my own reply to your circular, as I should have done, had not the opportunity been afforded me of orally communicating my opinions. Another reason for this omission arose from my having before expressed my views on the civil uses of the institution, in a letter to the late President Adams, which was published; and since presented to you a paper of some length, touching many of the subjects to which your circular relates. A copy of this paper, I have now the honor to enclose, begging that it may be received, together with the letters appended to it, from officers of great distinction, both in the Army and militia, in several States, as a part of my communication in reply to your circular. I feel a greater confidence in making the request that this paper may be submitted to the Board, from the favorable opinions expressed of its principal recommendation, by those experienced statesmen, the late Governors Eustis and Brooks, to the former of whom, and some others of my correspondents to whom I had submitted a more condensed view of the subject, I am indebted for some of the suggestions the paper contains; and the sentiments of the latter of whom, appear in his letter. This and the other letters annexed, have thrown so much more light upon the subject of militia improvement, than I could have done, that it would have been doing injustice to it, if I had omitted communicating them, though, from other and personal considerations, I should have made extracts from them, if I could have done so without mutilating the sense, or leaving it in obscurity. The general accordance in the opinions of all my correspondents on the expediency of providing for the appointment of an officer, at the seat of the National Government, whose whole duty shall be confined to the militia, encourages a stronger hope of the adoption of that measure, than the reasonings or reflections which any individual alone could afford. The reasons in favor of such a measure will be much increased, if, as it is fondly expected, a new and improved system of militia organization and instruction should be adopted: for, in such case, no measure could have a more important influence than this, in establishing it on principles of uniformity in all the States of this great Confederacy.

In relation to the particular points of your circular, finding some of the militia officers to whom it was sent have referred to me for facts, which my Department would furnish, I have made a few additional observations, in answer to your questions under the several heads presented. The answers refer to the numbers.

Answer to 1st question. The militia of Massachusetts consists of 55,060.

2d. The States have no power to alter the organization; upon this point, the authority of Congress is paramount. It is believed, how-

ever, that many of the States have legislated on this subject. In Massachusetts such an attempt was formerly made; but, after a Court Martial decided that an arrested officer, commissioned according to the State, but contrary to the provisions of the United States' laws, was not amenable to its authority, the State law was repealed. No difference now exists, except in two minute particulars. First, provision is made for the appointment of Aids-de-Camp to the Commander in Chief, and Quartermaster Sergeants to Regiments. Rank is also given to the commissioned officers aforesaid, and to some others where none was provided by the National law. Second, any person who is guilty of an infamous crime, is required to be disenrolled from the militia.

3d. The volunteer companies are the most efficient,

4th. None. On the contrary, those who enlist into them, are holden to do duty therein, (if they so long reside in the Brigade,) for seven years, unless they are sooner dicharged for reasons which are satisfactory to the Brigadier General. Neither can these corps disband themselves; they can only be dissolved by the authority of the Governor and Council. Nor can their officers, or those of any other corps, in Massachusetts, resign at their own pleasure; but are holden under the penalty of $200, and a liability to be cashiered by a Court Martial, to the performance of all the duties required of them by law and general orders, until their resignations are accepted by the Commander in Chief.

5th. Quite otherwise. They are reciprocally advantageous. The poorest Regiments, generally, are those which have no volunteer corps attached to them. It is, however, true, that unless the "regular" militia were required to be enrolled and trained, the "volunteer" or enlisted milltia, would not, to any considerable extent, exist; as it is in the preference which is given by those who compose these corps, to perform their military obligation in company with their own friends and companions, instead of being compelled to associate with all classes of the community who are liable to enrolment, which forms the principal inducement for that increase of expenditure, both of time and money, which is required of those who belong to them. Neither the pride of military appearance, nor the desire of military attainments, nor even the spirit of patriotism in time of peace, which pervades the members of volunteer companies, it is believed, would, of themselves, be sufficient motives for the formation of such corps; though they are powerful incentives to those, whose pride of character leads them to avoid the associations they would otherwise be compelled to make. It hence follows, that, if the fines for non-attendance at the meetings of the enrolled militia are inconsiderable, the equivalent will be paid, and consequently the principal inducement for the formation of volunteer corps will cease.

6th. A little less than one-third, or about one-fourth part of the whole body of the militia.

7th. It is doubted whether Congress has any jurisdiction over the subject; though it is conceded that the power to make by-laws,

under the State authority, not inconsistent with the laws of the United States, or the States, would be undoubtedly useful; as thereby the pride of the enlisted companies would enable them to increase their drill meetings, and impose fines for non-attendance at these, as well as those which are fixed by law, and otherwise regulate the police of their respective companies, under such penalties as, by experience in different sections of the Commonwealth, from the ability of their members, should be found would answer the end intended, without making the duty required so burthensome and oppressive as to prevent recruiting. These companies now, however, generally, have codes of by-laws, though, in most of the States, as in Massachusetts, for the want of legislative sanction, their legal tribunals have no jurisdiction, whereby to enforce the collection of their fines and penalties for neglect or disobedience.

8th, 9th, & 10th. It is supposed that this question arises from an opinion that militia duty is required of too large a proportion of the community. In this view of the subject the respondent concurs, but he is of opinion that great objections, both in a civil and military point of view, exist, to a classification, either by difference of condition from age, or marriage; and that the object aimed at can be attained in a mode which is not only unobjectionable in this respect, but will likewise obviate other evils which the existing laws present. He considers the militia not only as the safest and best, but as a necessary preservative of the civil power, in peace, and the great reserve of the Army in war. It need not be feared that those who annually tax themselves for the maintenance of their civil institutions, will see their own laws executed, even if a resort to arms becomes necessary. But to accomplish the civil purposes of the institution only, the citizens must be organized in sufficient numbers to make their strength feared by the mal-contents, and so instructed and trained as to make it efficient on any sudden emergency, if the threatened resistance to the laws should, in fact, be made. He fears that the employment of the United States' forces, in times of high party excitement, particularly for the execution of the State laws, would be looked upon as so great an interference with the State authority and power, as even to increase the resistance it was called to suppress. Yet, if the militia be too much reduced, even though many might think that thereby a precedent would be set whereby the liberties of the country would be ultimately subverted, a necessity for the employment of the regular Army would be necessary for the due execution of the State as well as United States' laws.

This view of the subject is not taken from any ground which, in the existing state of things, the Army or the country would furnish: but from historical truths, founded upon principles of action which are as applicable to the condition of our country as to others. The respondent is therefore in favor of arming, training, and instructing the whole number of persons who shall be enrolled, and of diminishing the extent to which enrolments are now required to be made. Eighteen and thirty are the most comprehensive numbers which he

would adopt as the limits of enrolment. Even less than these would form a corps quite sufficient to answer all the constitutional ends of the Militia institution.

When the militia law of 1792 was passed, which required all the able bodied free white male citizens between the ages of 18 and 45 to be enrolled, our independence as a nation had but lately been acknowledged, and our Constitution of Government just established. The British held military posts within our limits on the Western frontiers. The Spaniards possessed Louisiana and the Floridas on the Southern, and commanded the keys of the Mississippi. The Indians were powerful and hostile on our Northwestern borders. The stability of our forms of Government and civil institutions were threatened by rebellious subjects at home, and our strength and resources, as a nation, were unknown to the European Powers. We were without a Navy and fortifications; and the Army even was insufficient for the protection of the Indian frontiers. Under these circumstances, the provisions for the enrolment of almost the whole of the able bodied population of the country was justifiable, and necessary for our security. But so entirely different is now our condition, that one-half the present numbers, if properly drilled, is fully sufficient to meet any emergencies which may be expected to arise. If it should, however, at any time be found otherwise, Congress can as easily provide for additional enrolments for the militia as it can for the raising additional regiments for the Army. But this supposition is founded upon the idea that if all the citizens are released from duty fifteen years earlier than at present, more duty of them may be required while they are the subjects of military authority. Thus, although the numbers be diminished, the efficiency of the whole body would be increased. Further, considering the volunteer corps as so much better answering the purposes of the militia, if all from 18 to 30 were to be enrolled, so much more than half the present number of the militia would be included, as to justify the release of such as should perform duty in the enlisted or volunteer corps for a less number of years than in the enrolled or regular militia, upon condition that they kept themselves uniformed, armed, and properly equipped, in every respect, during their period of service, and passed such inspection of their equipments, and examination of their discipline, as should be required. Let all persons within the prescribed limits, whose personal services for the support of Government are not incompatible with militia duty, be enrolled. Let such few exemptions as are indispensably necessary, be made by the National Government, and that part of the law of Congress which confers the power on the States to make additional exemptions, be repealed, and thus make the duty equally obligatory on all the members of the community, instead of its oppressively falling on those who have no power to obtain exemption by influence, nor the means of paying a pecuniary equivalent. Let arms and books of tactics be provided and distributed at the national expense; instructors provided for such officers as choose, or the States shall require, to attend the meetings for instruction; and let rations, also, be

supplied by the several States, to the troops, while engaged in military duty, and it is believed that the great objections which exist against the militia establishment will be obviated, and all its essential benefits preserved. The objections to the militia system, it is generally conceded, do not arise from hostility to the institution itself, for this is justly considered as the bulwark of republican liberty; but to the inequality of its burdens, under the existing laws, and to the little use of their requisitions to the attainment of the end intended to be accomplished. Thus, it is believed, that not only one-half of the time and expense of those who are now enrolled might be saved, in peace, but that the same or greater advantages would result from the application of this force into defence in war. For, if the enrolled militia were, in truth, made efficient by the proposed means, it is believed that the troops, instead of being called out to be drilled, in anticipation of the enemy's arrival, might generally remain at their homes until he was near at hand, and then come prepared to meet him in conjunction with the regular forces, and be dismissed again to pursue their usual avocations, as soon as the emergency ceased which called them forth. I have known so many instances, during the last war, where this system was effectually pursued in the States of Massachusetts, and Maine, which was then under the jurisdiction of Massachusetts, where the sea coast frontier was defended at less than a quarter of the expense which would have been required if the officers and men had not been practised in their duties, and it had consequently been necessary to keep them in service for instruction the whole of the season, that I cannot readily relinquish that part of the system which experience has proved is attended with so many advantages.

It is, however, necessary, in order to obviate an objection which may arise to the diminution of the militia roll in those States where their internal tranquillity is endangered by their domestic population, to give to the several States the power of making additional enrolments within their own jurisdiction. The States may be safely entrusted with this power: for its exercise will not only give additional security to their domestic peace, but will add to the national strength; whereas, if a larger number is required every where to be enrolled than the national emergencies demand, and the States are entrusted with the opposite power of making exemptions, the force of this national arm may be diminished to an extent altogether incompatible with the national security.

11th. The organization of the militia should be complete in peace as well as in war. The distinction named of withholding the higher grades of commissions in time of peace, would have a very unsalutary effect on the whole institution.

12th and 13th. The power of making detachments from the militia for a longer period than three months, ought to exist. And as the militia burdens ought to be equalized as much as is consistent with economy and the public necessities, I should think detachments for one campaign, would be sufficient, and, in our climate, these do not usually continue beyond six months.

14th. The militia are enrolled and accurately inspected through the whole State at 1 o'clock, P. M. on the first Tuesday of May, by the Captains of the several companies, and returns are made, noting every deficiency in the several articles of equipment, to the Colonels of regiments. These are condensed into regimental returns, and transmitted to the Brigadier Generals, who make returns of their entire brigades to the Adjutant General.

After the company inspections are made, the troops are trained on the same day. They are also trained one other day, which is usually a short time previous to the regimental brigade or division muster, which takes place in the Autumn, when the officers and men are again inspected by the Brigade Inspectors, and reviewed either by the Commander in Chief, or some general officer. These inspection returns are likewise annually transmitted to the Adjutant General, and form the basis of his annual return to the President of the United States.

15th. I think frequent trainings and musters, that is to say, of four or six times a year, *under skilful officers*, would be advantageous to the great body of the militia; and, in my opinion, great benefit has been derived from those we have already had, under all the disadvantages which have attended them; though it ought not be concealed, that the beneficial influence of these is annually diminishing.

16th. I would instruct the officers, but not them exclusively. By so doing, you turn officers into privates. Officers must be practised in their duties of command, as well as the men in their's of obedience; and by establishing a proper system for the instruction of the officers, you will qualify them usefully to exercise the authority with which they are invested, which is not always the case.

17th. The system of Infantry Tactics prescribed for the Army, is not generally adopted by the militia, and solely for the want of books of instruction, which it has for a long time been supposed would be furnished by the National Government. No measure, much more than the distribution of books of instruction to the militia officers of all the States, would tend to the establishment of an uniform militia throughout the Union. It would drive out of circulation thousands of volumes of spurious editions of the national work, in which such alterations are made as are totally destructive of that uniformity of practice, which it was the object of the National Legislature to establish when they required its adoption by the militia.

18th and 19th. There are none prescribed. Each Captain adopts the best book of instruction he can find. Proper systems of instruction are absolutely necessary for both the Artillery and the cavalry; the latter of which, if they were required to be armed and exercised with carbines, in addition to the sword and pistols, it is believed, would be much increased in usefulness, both on the sea-coast and inland frontiers. The experience of the last war taught us that the cavalry, as it was then armed and instructed, was almost an useless corps. In Massachusetts but three companies were called out during

the whole war, while every other volunteer corps in the State was in service at some period or other of it.

I have the honor to be,
Your obedient servant,
WM. H. SUMNER.

Paper referred to in the above letter, a copy of which was some time since presented to the Secretary of War, for the consideration of the President.

SALEM, *September* 10*th*, 1826.

WILLIAM H. SUMNER, Esq.

SIR: I have received your letter of the 2d instant, enclosing a circular from the Secretary of War, whose object is to obtain information leading to the melioration of the militia system of the United States, in order to render their service more efficient than it can be in its present condition.

The opinion that a well organized and a well disciplined militia is the natural defence of a free people, "is entitled to the character given to it by the Secretary—that of a "maxim," but surely the "experience" of the People of the United States will not authorize the conclusion, because a "well disciplined militia," comprehending the entire mass of ablebodied men, never had, and I do not hesitate to say, never will have, an existence in our country. Whoever reads General Washington's official letters to Congress in the first years of the Revolutionary War, will see, that a reliance on the militia and the short enlistment of regulars, brought our affairs to the brink of ruin. But it will be said, the militia was not then "well disciplined." True; and I repeat, that it never *will be*, and while the system shall embrace the whole body, I add, that it never *can be* well disciplined.

In 1777, Great Britain being threatened with an invasion from France, while its regular forces were, and must necessarily have continued to be, employed abroad, the Parliament enacted, that corps of militia should be embodied; the men to be drawn by lot, and trained to the use of arms and manœuvres for home defence. But these corps united, amounted only to about thirty-one thousand men for England and Wales. To give them the requisite discipline, they were to be enrolled for three years, and trained, I think, about four weeks in each year, and Sergeants taken from the regular troops were employed to drill them; and even then it was found expedient (as I remember to have seen it stated,) to march them *from home*, out of their own counties, to render their training effectual. By these means they became, in reality, *regular soldiers*. They were uniformly armed, paid, and clothed, at the public charge.

The only well disciplined militia, comprehending the whole male population of ages adapted to military service, since the early periods

of the Roman Republic, was in Switzerland. Upwards of a hundred years ago it was efficient. Surrounded by powerful neighbors, and particularly in danger from Austria, a universal militia, in an entire population not exceeding perhaps one million and a half, was indispensable. They were clad in a simple uniform of gray cloth, and trained every Sunday after attending their religious services in their churches. The details of this arrangement may be seen in Stanyan's account of Switzerland, which I read upwards of forty years ago. He was the British Minister in that country in the early part of the last century. I think I saw the title of the book (a duodecimo volume,) in the Library which Mr. Jefferson sold to the United States. I remember being struck with one prudent regulation in their system: not to appoint their *general officers* until an invasion or impending war rendered their complete organization indispensable. This reservation would, I have thought, be especially proper in the United States' militia, from the manner in which officers are appointed and rise in rank.

The United States have nothing to fear from any neighboring Power: and already our great population renders a universal training of the citizens, capable of military services, absolutely unnecessary. It would now be an evil, and an evil rapidly increasing.

The constitutional calls for militia are, to execute the laws of the Union, suppress insurrections, and repel invasions. For the two first objects, no special military training will be requisite. Those who shall resist the execution of the laws, or form insurrections, will be undisciplined citizens. *An organized militia, acting under the authorities of the General and State Governments*, will be amply sufficient to overcome such resistance, and to suppress any tumultuous assemblies of lawless men, though appearing in arms.

In our large cities and towns, there are already select corps of militia, well trained, and fit for service. In the largest cities, these corps are regiments and battalions, and in others, companies. In every State in the Union such corps should be formed, proportioned to their population. And the entire amount of these corps should be equal to three or four times the numbers composing the standing Army. The skill acquired by these select corps, now costs them considerable expense in time and money. At present they consist of volunteers, but they are volunteers, partly because young men seem to have a natural fondness of military exercises; but chiefly, I am inclined to think, because they prefer incurring those expenses of time and money, to training in the common militia. If, therefore, the worse than useless project of training the whole body of the militia be abandoned, some encouragement will be requisite to induce even young men to engage, for only two years, in such select corps. Their arms should be furnished from the public arsenals, and a fixed sum allowed for procuring neat uniforms, to sit easy upon them, and not daubed with gold or silver lace, or plumed with feathers two feet high. In the last week of their two years' service, they should be inspected by proper officers, competent to judge of their proficiency; and all who shall be found duly acquainted with the prescribed discipline, should be allowed to retain their arms and

accoutrements, and be discharged. In this way, the effective militia would eventually be uniformly armed. And, as the arms are to become their own property, they will take good care of them.

At the outset, these select corps may find instructors among such of their fellow-citizens as have served in select corps of militia, or in the regular troops, as officers, sergeants, and corporals, and in some instances, intelligent and discreet privates. Drummers and privates may be drawn from the same sources. Where a competent number of such instructors are not to be found, the deficiencies may, in the first instance, be supplied from the regular troops; and partially, perhaps, from the Military Academy at West Point. These first disciplined companies and corps will probably furnish instructors for the second set, and so on, in an unlimited succession; all deficiencies, however, to be supplied from the Standing Army, and West Point Academy.

The instructors drawn from the Standing Army, will, of course, continue to receive their usual pay and emoluments, with such additions as circumstances may require, for their travel and expenses, beyond what their ordinary duties in the regular service would expose them to. So, likewise, those drawn from the Academy, and from the select companies and corps, employed in training the next or any succeeding set, must have adequate compensations.

A portion of the training should consist in firing at marks. In the older settlements of our Country, where game has generally disappeared, there will, consequently, be many requiring instruction in loading, taking aim, and firing.

It has been the practice of some of the select, well-trained companies, in Massachusetts, to make an annual excursion, with tents and other equipage requisite to form a regular encampment; the like encampments may take place at mild and healthy seasons of the year, (varied in the times to suit our varied climates,) with the select companies and corps whose training is the object of this communication, in situations easy of access to provisions, water, fuel, and straw. All the necessary expenses of this field-service must be defrayed out of the public Treasury, upon proper returns and documents.

In England, I have already stated, the selected militia are trained for three years, about four weeks in each year. I cannot but think that, in the United States, two years of like training, with capable and diligent instructors, would suffice to give the requisite discipline for efficient service. In the last week of the training, in the second year, all the select companies and corps living within a circuit of —— miles, should assemble at a convenient place, and there be commanded and exercised by a field officer or field officers, (in proportion to the number of men thus assembled,) selected from the officers of the companies and corps, and whose abilities and practical knowledge shall best entitle them to distinction in the ranks to which they shall be appointed.

I have already remarked, that the United States have no Continental neighbors, from whom the smallest danger—I might almost say the possibility—of invasion, is to be apprehended. Invaders, if there should be any, must approach us by water. Of these, we cannot fail

to have timely information, in consequence of previous diplomatic altercations. If these are likely to terminate in hostilities, a competent number of the militia may be embodied and disciplined, having their stations and encampments in places most exposed to invasion, or to which they could march in time to repel them. To train these bodies of militia, instructors would be furnished from those who had themselves obtained an adequate knowledge of discipline, either in the Army or the Military Academy, or in the select companies and corps before mentioned; with the addition, if found necessary, of officers and sergeants detached from the regular troops. The general officers to be selected from the ablest officers serving, or who had served, in the select companies and corps beforementioned. An able and experienced general officer of the regular Army, of equal or superior rank, may, when deemed necessary, be designated to command the whole: a portion of the regular troops, in every such case, to be united with the embodied corps of militia.

Such embodied corps of militia, with such instructors as have been described, would become better acquainted with every branch of military discipline in two weeks, or even in eight or ten days, than by training, as the whole militia is now trained, annually, from eighteen to forty-five years of age. And, certainly, no invasion is to be apprehended as so sudden as not to admit of two or four weeks' training.

Of the utter inefficiency of two, three, or four days' training, in a year, every observer, possessing any military knowledge, is competent to pronounce. For myself, and I speak also from my experience in the militia in early life, I can pronounce with confidence. I then took much pains, with such means as were within my reach, to acquire the requisite knowledge for training the militia, and imparted the the same to the officers of the companies in Salem. We then attempted to instruct the militia, who were assembled four days in the year, but our labor turned to very little account. I have ever since considered the whole, as I do the present militia musters, as a waste of time for those who actually assemble; while thousands, who will in no event become soldiers, are heavily taxed by fines for non-appearance, and vexed in their collection.

Should the principles above sketched be adopted as the basis of a plan for disciplining the militia, many details will be necessary in forming it:

1. To determine the ages within which the men constituting the select corps shall be comprised. These may be not under twenty-one, nor, at present, over thirty years. In future periods, twenty-five years of age may be the limits. To take apprentices, would interfere with the rights of parents and masters, and with the completion of their instruction in their respective trades and employments. Twenty-one years would also give them more mental steadiness, and a firmness of constitution which is not fully matured at an earlier age.

2. That the burden and benefit may be equal, the quotas of the select corps should be apportioned by Congress to the several States, according to their population, by the same rule as that of Represen-

tation in the House of Representatives of the United States. And such State being divided by its Government into convenient districts, the quota of each district may be furnished by volunteers, or by lot. Substitutes may be admitted: but these should always be *new men;* that is, of persons who have not before served in the select corps: otherwise the total number of disciplined men in the country will be diminished.

3. The competent number of teachers being provided, the men may be assembled by companies to receive instruction. Although it would occasion a little more expense, yet I think it would be expedient to assemble twice in the year—two weeks in the Spring, and two weeks in the Autumn; instead of four weeks in immediate succession.

4. Provisions to be supplied in rations of meat and bread, as to the regular troops; but with adequate quantities of vegetables, and other cheap articles to which the militia are accustomed when at home, *to ensure the preservation of their health.* It is for this object, principally, that I would keep them assembled but two weeks at a time.

5. Tents and the requisite camp equipage, fuel and straw, to be provided, to enable them to live in the field, and cook for themselves. But there would be economy in employing a cook to prepare, in an adjacent house, the provisions for a whole company.

All the minor details may be left to be directed by the Executive of the United States.

It will be understood that the proposition for the formation of select corps of militia, to three or four times the amount of the regular troops, is intended to constitute, in every State, a disciplined force, around which any portion of the common militia might be assembled and promptly disciplined, to repel any threatened invasions there or in any neighboring State. While the whole strength of the select corps, increased by the numbers previously disciplined therein, would discourage any attempts, (should such be apprehended,) of the standing Army, to conspire against the Government or the liberties of their country.

But if no plan for select corps of militia should be adopted, then I would only organize the whole militia into companies, battalions, and regiments, and designate the regiments to form the respective brigades and divisions; and require them to meet, by *companies only,* one half day in each year, for the inspection of their arms and accoutrements, and to fire at mark. The Brigadier and Major Generals to be appointed, *pro re nata,* by the Executive of the States respectively. So great, already, is the population of the United States, all persons above the age of thirty five years, may be excused from serving in the militia.

I will here observe, that, in my conversation, a few years ago, with Governor Brooks, he expressed his approbation of the suggested plan of forming some corps of select militia, upon the principles now stated. I will further observe, that he entirely agreed with me in the opinion, that eight or ten days' training of any portion of the militia called out and embodied to repel invasions, would give them, with the means here proposed, more knowledge of the discipline requisite in actual

service, than by being drawn out, even four days in a year, from the ages of eighteen to forty-five years, as required by the laws of Massachusetts. I have not known any man more competent to judge correctly on this subject than Governor Brooks. In regular service he had the military experience of an able officer during the Revolutionary War; and afterwards that of a general officer in the Massachusetts Militia.

Some objection, perhaps may be raised against the plan here proposed, on account of the *expense*. But this will be small compared with the expense of time and money necessarily incurred by requiring the whole militia, near a million of men, to turn out four days in a year, during a period of about twenty years; the latter without any useful result—the former of real importance, by furnishing the country with an efficient militia.

The select corps will comprise horse and artillery as well as infantry; in what proportion I have not considered; but the horse, I presume, will be the smallest; and riflemen will compose a part of the infantry.

As to the length of time to be required for a tour of militia duty, in actual service, it would undoubtedly be desirable to extend it beyond three months; a considerable portion of which will be lost in marching to the place of rendezvous or scene of action, and home again. Could that term be doubled, it would be well; and efforts may be made to obtain it.

In the French revolutionary war, married men, if I mistake not, were, at one time, exempt from the conscription: So young men married as fast as they could. In the United States, no such stimulus to marry is necessary, among those classes of citizens from which the militia will principally be enrolled. It appears to me, therefore, that no distinction between the married and unmarried will be admissible, in either the common or select militia.

You now have, sir, what has occurred to me on the subject of the letter from the Secretary of War. The intimations in this letter, I hope, may aid in the formation of a useful militia system; or, at any rate, in getting rid of that which vexes and harasses without doing any essential good.

With great regard and esteem,
I am, Sir,
Your obedient servant,
T. PICKERING.

SALEM, *September* 19, 1826.

SIR: In the beginning of the month, I received from William H. Sumner, Esq. Adjutant General of Massachusetts, a letter, enclosing your printed *circular*, concerning the militia, and requesting a communication of my views of the subject, which he would transmit to you.

A week since I sent him a long answer. While I am satisfied of the correctness of the principles it exhibits, on which a militia system of the United States should be formed, I can easily suppose objections may be offered. and I believe that the most eligible plan must be the result of a discussion among gentlemen of intelligence and military experience. And all I can expect from my communication is, that the ideas I offer for consideration may prove of some utility in forming a militia system adapted to the present, and, for some length of time, to the future condition of our country.

I have said, "that we have nothing to fear from any neighboring Power." The British, if we again plunge into a war with that Power, will not think of invading the United States from Canada or New Brunswick. Certainly not for the purpose of holding possession, which they know would be impracticable: and as certainly not for the purpose of devastation, knowing our ability to retaliate in a fourfold measure. It was on these considerations that, at the close of the late war, I would have reduced our peace establishment to five thousand men. a number then sufficient to garrison all our fortified seaports, and all our posts on the Indian frontier, besides leaving a disposable force of a thousand men at the most healthy situation on the Mississippi, to be sent down to New Orleans on the shortest notice, to secure that great emporium of the Western States. We did not need a single soldier on our whole Northern frontier, Eastward of Detroit. I would, therefore, have dismantled Niagara and Sackett's Harbor, and every fortification on Lake Champlain. And, as to the public vessels on this lake and Ontario. such as might be converted into vessels for trade, I would have sold for that use, and have set fire to all the rest, unless they would bring something. if sold. for the materials composing them. They were built with green timber, and would, undoubtedly, be in a short time entirely rotten. Entertaining these views of the subject, (which I remember communicating to Mr. Calhoun,) I have considered the means taken to preserve the public vessels, from the building of barracks, the repairing of fortifications, and the maintenance of a large body of troops for years, and since, of garrisons on that frontier. a mere waste of the public money. The numerous tribes of Indians in the neighborhood of Detroit would, obviously, render it expedient to station in that region, including Michilimacinac, a military force proportioned to the danger to be apprehended from them.

The British have been fortifying some important points in Canada. This was proper for them, because of the practicability of pouring in an overwhelming force from the United States, on a sudden declaration of war, before they could obtain defenders from Europe.

The commencement of the war of 1812 has given them warning.

The gorgeous trappings of some of the select corps of militia have seemed to me very improper. They occasion a great, and, at the same time, a useless expense. If ever called into actual service, it will doubtless be in conjunction with the regular troops. And will it not be expedient that their appearance should be the same? But certainly if there should be select corps of militia formed on the plan I

have suggested, and, at the public expense, their uniforms should be as simple as those of the regular troops. Officers of the Army, and select corps of militia, who have adopted the Bonapartian hat, and the tall French plumes, would perhaps smile at, perhaps spurn, a merely useful covering for the head. A hat was originally designed to shelter the head, the eyes, and the neck. The best form of it which I ever saw, for military men, was that adopted by Colonel Spottswood, who commanded a Virginia regiment of continental troops in the campaign of 1777. It was low crowned, and the brim was about 2½ or 3 inches wide, and looped up *only* on the left side of the head, that it might not interfere with the shouldered musket; and to that side the cockade was fixed. It is of some consequence to have the eye secured from the dazzling rays of a burning sun. Should not the dress of officers be simple as that of the soldiers they command? while the materials are of finer fabric. The extreme vanity of the English naval hero, Lord Nelson, determined him, at the battle of Trafalgar, contrary to the advice of his friends on board, to display on his breast his splendid star of nobility, and it cost him his life.

Called on for my views of an advisable militia system, you will not, I trust, deem obtrusive these additional intimations.

I have the honor to be, &c.

TIMOTHY PICKERING.

Hon. JAMES BARBOUR,
Secretary of War.

October 8th, 1826.

DEAR SIR: You desired me to commit to writing the sentiments I expressed in a late conversation with you respecting the improvement of the militia of the United States.

One method has for many years appeared in my mind to be highly useful, and not impracticable, in my view, although rejected as such by many old military friends, such as Generals Knox and Cobb, with others of the present day, who consider a soldier's life to be a distinct profession, and that a person qualified as such, is either incapable, or will not be inclined to pursue any other occupation. Perseverance in the chimeras of our own brain, may be, perhaps, my only apology for persisting in this early opinion.

My idea is, that the present Army of the United States may be rendered a military school, for all the purposes of introducing military discipline amongst the citizens of the United States so far as respects, at least, the duty of a common soldier. Instead of having men of the description and character we see enter as soldiers in the public service, I think that the hardy youth of our country, possessing good habits, might easily be induced to engage in that service, if the condition of a common soldier can be made consistent with reputation and morals, and some more money be added to their pay, equal to the com-

mon earnings of ordinary labor; with provision that the whole amount shall only be paid to them at the expiration of their service, with certificate of good behavior, saving, say one dollar per month, for tobacco money, &c.

I conceive that two years, well employed, would be ample time to instruct a private soldier in his proper duties, and, indeed, make him a competent sergeant in any military company. I am also of the opinion, that the sum of $10 per month would induce young men of common life and labor in almost all the States, to enter the public service, it being enjoined that no person should enter who did not bring evidence of good moral character and temperate habits; and that if the contrary be discovered during service, immediate expulsion should take place.

It being [understood] also that these soldiers, at all leisure time, should be improved in the knowledge of writing and cyphering; and that their whole time should be diligently employed, so as not to be able to contract bad habits, or indulge in the vice of intemperate drinking. Any parent or friend, knowing the Army to be so renovated, would not hesitate to recommend his son or connexion to enter that service. It is well known that the Army is now merely a refuge for disorderly persons; but, under those regulations, the condition of a soldier would possess honor and profit. Each State might furnish its quota of men, and, if requested, their place to be supplied by others from a different State. One half of the Army to be changed after a proper period, so as to retain a portion of those best instructed to assist the new members That it shall not be permitted to serve more than two years; and that no person under the age of twenty, or above five and twenty, shall be admitted to enter. Young men at the age of twenty usually have a knowledge of the mechanic arts in which they are engaged, and the sum of $200, received at one time, would enable them to commence life, either as farmers or mechanics, with some advantage. The habits of labor and industry acquired in this new camp life, will rather qualify them for future service in private life, than injure their prospects. The knowledge which a soldier has once had, like that of skating and swimming, can never be wholly forgotten, and will soon be restored on approach to actual service. The discipline of the mind and manners fixed on these new soldiers, will ever make them useful in private life, and will secure stability of character. I do not know that it will be necessary to oblige these soldiers to return to the several States from whence they came; because if they did return against their inclination, they would soon desert it. As a temptation, however, it might be provided that the final payment should be made in the State from whence they enlisted. The expense would undoubtedly be considerable, but compared to the utility, may better be sustained than many others recognized by the public. These soldiers, when settled in their respective States, would naturally be elected officers in the militia, and would greatly improve it. I do not know that it will be requisite, that, at the time of enlistment, they engage to serve in any future war, because they would not be

useful if they did not voluntarily enlist in case of actual war. I suppose that the constitution of the United States, as it allows the several States to choose militia officers in their own way, will not permit any efficient regulation to be made by Congress over the militia; but I think it extremely important that all which can be done by Congress to meet future actual war, ought now to be done, when the country is free from those dreadful parties to which we are liable, and particularly on the approach of war, when we ought to be most united. Any act of Congress done at this period, cannot be reproached as unconstitutional when put into operation.

I think it is apparent that no country has sufficient funds to justify the cupidity of men, or induce a voluntary engagement in any steady course of war for any reasonable period of time. Ten or twenty thousand men, on the first declaration of war, or the preparation for it, might, by reasonable bounty or pay, be induced to enlist for five years. Perhaps in all the United States, fifty thousand might be thus had; but when that class of people have disappeared, the residue of the population will demand high pay and bounties, as they can hold the Government to any price they may dictate. It is, therefore, indispensable that every Government should have the power of forcing military service by drafting, or otherwise, allowing reasonable pay, &c. and in this country particularly, where the poorer class of people make the laws and the causes of war, by keeping the Government in their own hands, they surely ought not to be exempt from drafts, any more than the rich man, who is probably not so able to perform military service. Let the subsistence be made by the rich, as reason and necessity suggest; but let the defence of the country be a personal duty, equal in its operation, as is the equality of votes; otherwise, you perceive that the richer class of the community are not only bound to subsist the troops, but to pay them any price they may be pleased to ask for their services. This Government is emphatically a popular Government, and all its civil and internal relations are administered by the people; so ought, in a higher degree, their relations with foreign countries, among which, and the first, is self defence. The *Province*, and subsequent *State*, of Massachusetts, even before its constitution of 1780, exercised from the principles of common law and the attributes of sovereignty, the power of drafting militia into the service, usually for six or twelve months; but it might be, and with more propriety, for several years, as it may take a long time even to *qualify* for service, after which the real service only can be done; such as really merits the expense incurred. The constitution of the United States is not before me, so as critically to know its bearings on this subject; and I therefore do not know whether the United States can call on the militia by any immediate act of their own, but are bound, as I presume is the case, to call on the States, or Governors thereof, for their quota. Any body of men thus furnished, and called soldiers, can be of no possible use without discipline; on the contrary, must be a vast expense and incumbrance. 'Tis equally certain that they cannot be disciplined without officers; and, although

the States have a right to choose officers, does not this imply that those chosen as officers must be competent to their duty? If not so, they are no more officers than the other members of the company. To choose one utterly incompetent, might well be considered an act "in fraudem legis," and therefore void, in the same manner as if no officer had been chosen.

Cannot some means be contrived, whereby the militia might be detached, say a small number, in conjunction with a greater number of the United States' forces, so as to give the officer of the United States full command of such detachment; and as such might he not call a court martial; and even if obliged to make the whole court consist of mititia officers, that he might have the choice, or the right of choosing, the militia officers who may compose the court? In such manner an incompetent officer might be removed; and, if a second one was chosen in his place, and declared in the same manner incompetent might it not fairly be considered as an evasion and contempt of the law or constitution (which is in itself only a law)? In such an event would it be an usurpation for Congress to consider that the law was thus evaded and thereupon either give to the Governor of the State the right of choosing officers, or to exercise the right of appointing officers? This must be an incident, and necessarily implied in the power given to Congress of calling for militia service, as, in the nature of things, it can be of no service without such power; and although the same is not expressed, a stronger implication from necessity arises, than is often assigned for the assumption of implied power.

Can the United States, in their own right, call on the militia officers and companies and make drafts therefrom in the first instance, or must they first apply to the Governors of the States therefor? if so, which most necessary? and the Governors neglect, or the troops disobey, cannot in such case the United States exercise, imperatively, the power of drafting, and will not such power be implied from necessity; as without it the United States can have no control over the militia for public defence? My idea is, that we should not wait for the time of necessity and of discord; but that the United States should now, in calm peace, make an act declaratory of their rights, and adopt the means to enforce them, in case the States or the people shall neglect to give to the United States the force and power of self defence, by means of the militia, which is contemplated by the constitution.

Might it not be as well, as militia now train twice a year, to enact, that one half should exercise four days in the year, and be assembled in regiment, and that to distinguish officers of militia, some medal may be given by the President. That out of each company, four of the best sharpshooters, (all however to be of a certain degree of goodness,) be selected from each company, and that all being assembled, shall try their skill at repeated or frequent occasions, and that a rifle with a medal, be given to the best in each regiment. Our *populated country* is losing its forests, and Americans, like Europeans, must learn the art of sharp-shooting. Your ideas that Cadets

should instruct the militia and its officers, seem very proper, and in every district calculated for several regiments, exercising, however, at different times, some cheap quarters might be made for births and for exercise in bad weather. This subject, however, is so much better known and understood by yourself that I forbear to make any further remarks, except this one: that it be considered whether the militia may not be excused from learning all the evolutions practised by troops of the United States, and limited to five or ten of the essential movements; and whether, if any soldier ordered on duty for four days shall appear to be thoroughly acquainted with that duty, he might not be excused after one day, and those ignorant only be retained the whole four days. This indulgence might encourage previous instruction and qualification on the part of the soldier.

Excuse the length of this communication from your friend and servant,

RUFUS G. AMORY.

BRINLEY PLACE, *June 28th*, 1823.

DEAR GENERAL: I have read your very able and interesting letter to the venerable Adams, on the militia, with profound attention and great satisfaction. All the important principles are so obvious, and of such general approbation, among the oldest and best informed statesmen of our country, that it is only necessary to have them presented to the public to make them equally appreciated by all classes of society. I perfectly agree with you in the correctness of the facts you have adduced and the results drawn from them, so far as respects the system generally. To make it efficient, only two things are wanting: first, there must be no exempts for any cause other than moral imbecility, as lunacy and idiotism; for, all physical defects should only excuse the person from personal service by paying a fixed equivalent: second, those who did not come under either of the above causes, should personally do duty, and, as a compulsatory measure, such heavy fines should be imposed for neglect, the few would be *able*, and the *richest unwilling* to pay them, and thus the ranks would be filled with citizens from all classes in society. This would give an impetus to the militia greater than any other measure that has been devised; besides, it is but just and right that all should be obliged to be prepared to defend the Republic, which is founded for the benefit of all. By the present low fines, the rich are enabled to evade appearing on parade, and those who are not so affluent, feel debased and mortified in consequence of this apparent favor to the few. Besides, the militia is thus by the long list of exempts, deprived of the best educated and best qualified for officers.

The science of war is one of no ordinary character, and such is its present advanced state, that armies are efficient in proportion to the intelligence of the officers. Mere *physical* strength and *bravery*

are not sufficient to meet *science* and *moral firmness*. We have seen the armies of Alexander, Cæsar, and Bonaparte, perform deeds that have filled the universe with wonder and admiration. What was the cause of their repeated and triumphant victories? Military science, well educated officers, and well disciplined troops. Our militia can be made equal to the corps of Parmenion and Clytus, under the Macedonian Conqueror, the "*favorite legion*" of Rome's most illustrious chieftain, or the "*invincibles*" of Napoleon; but, to effect this, it must be most honorable to hold commissions; all the men of genius and learning must become component parts of each division; it must be an object worthy of emulation to reach even a subordinate station; and it should be: for what is more glorious than to command, or fight with freemen, "*pro aris et focis.*" Our Government is founded on the everlasting foundations of civil liberty; it is the *People* who *unite* for the protection of life, property and freedom, and all, therefore, are bound to be ever prepared to meet the shock of battle.

Until efficient measures are adopted to bring into the field every citizen between the age of 18 and 45, it is impossible to render the militia a powerful and honorable arm for offensive or defensive war. Here I would arraign public opinion; on this point I place all the hopes of the patriot, and if such a system is not adopted, I have no faith in the militia in times of danger and of conflict. One half of the citizens are not found on the muster field, and that too the most important to bring out; for, besides the other advantages which have been named, there is the powerful effect of example, set by those who have *much at risk*, and who are most deeply interested in the honor, glory and prosperity of their country.

Very respectfully,

Your most obedient servant,

H. A. S. DEARBORN.

Gen. Wm. H. Sumner,
Adjutant and Quartermaster General.

Gen. W. H. Sumner,

Sir: I have delayed communicating the information requested, in the hope that I might be able to impart such information as might be of use to you, in the duties of the commission you have accepted; but, from the circumstances of my present avocations, being unable to do it, I will impart such information as I may possess. The rapidity with which exemptions are made from military duty, by the mere acceptance and holding of a commission for a year or so, is an evil of the first magnitude, attendant on the present militia system of this State. The motives which prompt to the acceptance of a commission, with most, are for the sole purpose of exemption from duty, after a year or two's service. Some accept from motives of ostentation and a desire of military rank and title; but titles are so numer-

ous and of so little value, that this number is at present small. A few may accept a commission from patriotic motives, but such are rare; as few have hope of improving a militia, that is the object of derision and contempt, with the very individuals who compose it. That the object in accepting a commission is exemption from duty, and that this object is effected, is evident from the rapidity with which exemptions are made. In the last 12 years, 8 or 10 (I cannot, at present, ascertain the exact number,) different individuals have held the office of colonel of the regiment composed of the militia of this county This regiment consists of six companies, containing, in all, about 300 men, and is thus officered: 1 colonel, 1 lieutenant colonel, 1 major, 6 captains, 7 lieutenants, and six ensigns, 22 in the whole, and I think it will not be far from the truth to say, that all of these offices have been vacated with nearly the same rapidity that the office of colonel has.

I can, at this present moment, recollect seven individuals, who have, in the last 10 years, held the office of General of this brigade; and, as a proof of the indifference of the People towards the militia, I will state that in the year 1825, three individuals were appointed to the office of General of brigade, before one could be found to accept it; and even the third would not have accepted it, could the Legislature have convened early enough to appoint another, in order to attend the fall trainings. The Governor appoints four Aids; Major General two, and four Brigader Generals one each, in all ten; these are mostly young men, and are changed each year, and are thus exempted from further duty. In proof of this, I will merely state that in 1823, General Collins was appointed to the command of this brigade; he appointed a Mr. Northern as his Aid; in 1824, there was no General, thus Mr. Northern was exempted; in 1825, General Diman took the command of the Brigade, and appointed a Mr. West as his Aid; in 1826, General Muenscher succeeded General Diman, and appointed Mr. Richman as his Aid; General Muenscher will resign at the expiration of the year, and his successor appoint some other aid, and thus three individuals, the oldest not more than 26 years of age, are exempted from further duty, merely by holding a commission a single year. To effect the object of exemption, the officers seize every pretext to resign. Some resign on being promoted to a higher office. Some two or three years since, the lieutenant of a company attached to this regiment, was promoted to the command of the company; he refused to accept it, on the ground of his being promoted without his knowledge or consent, saying that he was willing to serve out his time as lieutenant, (this, however, he knew he could not, as the vacancy occasioned by his promotion, was already filled) that they had given his office to another, without breaking him, and, therefore, they could not reduce him to the ranks. This refusal was not from any preference of the lieutenantcy to the captancy, but as a mere excuse from further duty.

Exemption is the ruling motive, and to effect this, is the study of all; many officers serve but a year or two; not more than half serve five; and the instances of any individual's holding a commission more than five years are rare. General Muenscher, of this brigade, is one

of those few who has served beyond five years. He accepted a captain's commission in 1818, and has held a commission ever since. What makes these exemptions more to be deprecated is, that in most cases they are young men.

The indifference that generally prevails in this State towards the militia proceeds from the appointment of all commissioned officers, from Major General down to Lieutenants, being in the Legislative body, and the appointment of all warrant officers, down even to corporals being the gift of the Generals, Colonels, and Captains; and from the exclusive privileges granted to certain chartered companies. The depriving the militia of the choice of their own officers removes all incentive to military excellence, and begets a general indifference to the whole system. Each individual subject to military duty knows that merit has nought to do with any appointment to a military office, as the appointment to a military office depends on the nomination, by some member of the Legislature, of some one whom relationship or interest may prompt to it.

The Legislature are necessarily ignorant of the merits of the individual to be appointed, and of the feelings and wishes of the men to be commanded; and it is an even chance that the appointment will be an unpopular one.

Had I time I could relate some ludicrous events that have occurred in consequence of our unpopular appointments. In time of war, when the militia are wanted, this must be a serious injury in a country like ours, where so much freedom is exercised, as the militia will be of no service if they have not officers of their own choice, officers in whom they can confide.

The exclusive privileges granted certain companies (independent companies, as they are called, in contradistinction to those attached to the line, which are called militia) are memorable instances of the folly and want of foresight in former Legislatures. The acts of incorporation have placed these companies beyond the control of the Legislature, and the act of Congress of 1792 secured to them these privileges. The artillery company of this town, by the act of their incorporation, are placed beyond all control, excepting that of their own officers and the Governor and Lieutenant Governor; and the former cannot remove them from the town without their consent, nor the latter from the *State* unless they lead them in person. The artillery company in Newport (if my recollection serves me aright) are beyond the control of the Governor, and cannot be removed from the *town* without their consent. There are nine of these companies in the State. An independent company in Warren has not done any duty, I believe, for some years; they merely meet once a year and elect their officers, in order that they need not forfeit their charter.

The exclusive privileges granted these companies are of no benefit in making them better soldiers, as they are excelled by chartered companies which possess but the choice of their own members and officers. The artillery company in this town but rarely turns out even thirty privates, and yet their officers are, one Captain, with the

brevet rank of Lieutenant Colonel; two Lieutenants, with the brevet rank of Major; one Ensign, with the rank of Captain. This little company of 30 or 40 men gives the titles of Colonels, Majors, &c. In the last ten years fourteen individuals have held commissions in this company; thus ten have been exempted, one each year, and these mostly young men.

In this town, of 3,000 inhabitants, forty are exempted as engine men. My observations have (from my absence for most part of the last eight years from the State) been confined to this section of the State, but I believe what I have said of one part may be applied to the whole. I would except some few uniformed companies, in Providence, Bristol, &c. which are surpassed by none in the country. From my infancy upward, like the rest of my brethren of this State, I have looked on the militia system as a system of defects, and never thought it one to which remedies might be applied. My reflections on the subject have been but few, as my attention was but recently drawn towards the subject, by a perusal of your excellent letter to John Adams. It would, therefore, be presumption in me to attempt to point out any remedies to be applied for its correction. From my own experience I can say, that a general circulation of your letter would tend much to remove the indifference or prejudice that may now prevail towards the militia, and awaken men to a knowledge of the vast importance of a well organized and disciplined militia to a country like ours. If your letter were printed in a cheaper form, so as to be within the means of every one, and individuals in the different States would give it circulation, I think much would be done by the good sense of the People themselves, for the improvement of the system. As an act of Congress secures exclusive privileges to certain companies, an act of Congress must be applied to deprive them of the same. I fear I have been tediously prolix, and will therefore conclude by assuring you, that any information, as to this State, that I may be able to give, will at all times be given with pleasure.

With assurances of respect,

I remain, yours, &c.

N. HOWLAND.

BRISTOL, R. I. *September* 19, 1826.

MARBLEHEAD, *October* 10, 1826.

SIR: Through your politeness I received a copy of the circular from the Honorable Secretary of War, relating to the militia. And I think I can perceive, from the very questions he has proposed, the importance in a national point of view, of the establishment of a Department at the seat of the Federal Government, that should be confined exclusively to the great interest of the militia. If there had been such a Department, more than half of the questions proposed by the Honorable Secretary might have been spared, as the officer at the

head of such Department could at any time answer them, by turning to the files in his office. And I never expect to see the *best*, nor an uniform system adopted, until the Government are satisfied that an Adjutant General's Department at Washington, under the General Government, is indispensable. And I can conceive of no objection to such an establishment, except that of expense; but surely, in a rich and widely extending country, this is unworthy of being named; especially as it is the policy of our Government to trust mainly to the militia to enforce the laws, suppress rebellions, and repel invasions. But for my views on this subject I refer you to the communication I had the honor to address you some months since.

Perceiving by the papers that you are appointed to be of the Board about to be convened at Washington, I take the liberty of suggesting through you to the Honorable Secretary of the War Department, the few remarks that have occurred to me on reading his circular.

As you are of the Board, I shall purposely omit any notice of the 1st, 2d, 6th, 14th, 17th, 18th, and 19th questions, as they involve but little except matters of fact, which you have the means of answering at once.

In answer to the third question, there can be no doubt that the volunteers are more efficient than the regular militia; and for the obvious reason, that the efficiency of every kind of troops depends in a great measure on their discipline. And in this particular the volunteers are vastly superior to other militia. But it will not follow from this that the latter may be dispensed with. It is *because* we have a regular militia, the volunteer corps are so efficient. Indeed they are reciprocally advantageous to each other. Were there no regular militia, it is questionable whether you would have any considerable number of volunteers, and without these the regular militia would be sadly deficient.

The fact that we have so considerable a number of volunteer companies is an answer in the affirmative to the fourth question. One reason why young men prefer entering volunteer corps doubtless is, that considerations of ambition and self respect enter into the question; for it is considered more reputable to perform military duty in these than in other corps. But then this would fail of its present effect, if it were not made imperative by law to do duty in one or the other of these corps.

It is unquestionably true, as suggested by the fifth question, that in one point of light the establishment of the volunteer operates injuriously on the regular militia, because it brings into its ranks many of the most active and ambitious of our young men; but then, for the reasons given under the *third* question, it is not injurious on the whole.

Seventh question. Volunteer companies now have the power of making by-laws that are not inconsistent with the laws regulating the militia; and most of these companies adopt certain rules by which they regulate their internal police; and it is advantageous that they should have the right so to do. But I cannot think that it

would be well to make any laws or regulations that should have effect on the volunteer and not on the regular militia. In Massachusetts most of our volunteer corps are annexed to, and constitute a part of larger corps, which embrace both volunteer and regular militia. They act together when on duty, and it would be impracticable and inexpedient to govern them other than by general laws that are alike applicable to both. Give to volunteer corps the power of determining their own government, and they would run into every extravagance that whim or caprice might suggest, and would produce a state of disorder that would derange the whole militia system. I would except in these remarks any special provision that might be made as an encouragement for uniforming and the like.

In answer to the *eighth* question, whether a classification of the militia would be an improvement, I think I may venture to say, that no classification should be made, *involving more active service in one individual than another* who is *liable to military duty*. In Massachusetts it is left at the election of those between the ages of thirty-five and forty, either to perform active duty or pay a certain sum annually, and this to be appropriated to uniforming the militia. But the equity of this provision is somewhat questionable. Active duty is required of all of a certain age, from the necessity of the case; and when it becomes inexpedient to require this duty, nothing more should be required: for if a tax is wanted for uniforming the militia, or for other purposes, it should be levied on the property and not on the age of the citizen.

Military duty is a tax on individuals, and public policy requires that this should be exacted no longer than is necessary for the public security, nor of a greater number of individuals than is necessary to this end. Such is the population of this country, and such is the general knowledge of military service, that it cannot be necessary, and therefore not expedient, to hold any class of society to any kind of military duty or organization, when from age or any other circumstance, it is inexpedient to hold them to active service.

The great objects of the General and State Governments, contemplated by the militia, will be effectually realized by holding every white male citizen (special cases excepted) to the obligations of active duty, to commence at the age when muscular strength will admit, and to continue until about the age of thirty-five. This will embrace in numbers a sufficiency for all the purposes required. (I mean by active duty, mustering several times in a year, pursuant to general laws; for aside from the obligations to *parade, drill*, &c. &c. I am unable to conceive of an establishment that is worthy of the name of militia. But on this particular I beg leave to refer you to a former communication.) It has been found in New England, and the same is probably true of the other States, that, by compelling all to perform military duty at a certain period of life, on great emergencies the whole male population who are able of body, are brought to act with the regular militia, as volunteers, without confusion or derangement, and at a short notice; and this too without any new or additional organization.

I think, therefore, there can be no substantial reason for a classification, nor for making any distinction among those whom it is proper to enroll. There is not such a disparity of age between those from eighteen to thirty-five, as to forbid their associating and acting together; nor are the oldest of these unfitted by age for any and every duty of the camp. And beside these considerations, a mere enrolment, or organization on paper, is totally useless. It cannot in any supposable case be of the least utility. But whatever classification may be thought proper, that founded on the single or married state is the most exceptionable; and the reasons for it are so slight and few, that I do not fear that it will ever be adopted.

To the *eleventh* question I answer in the negative. The militia can be considered as efficient only when it is organized as a whole. That surely cannot be considered an improvement which should derange its symmetry and render it less perfect than it now is. And if in time of peace it be necessary to issue commissions only to inferior grades, it must be because no other grade of officers would be wanted in time of war. By issuing commissions only to inferior grades of officers, the most powerful motive would be wanting with these very officers for qualifying them for their places. No inconsiderable number of officers accept subordinate posts, and incur a great expense of time and money, with the expectation of rising to higher and more honorable places in the service. Could it be expected that a Captain, for instance, would make those exertions that are necessary to qualify him for his office, and without which his company might as well be disbanded, if this is to be the extent of his honorable ambition? nor is it easy to conceive of a solitary reason why the appointment of Colonels, Brigadier Generals, and Major Generals, should have an unfavorable bearing on the militia; but many reasons may be given to the contrary. It is believed that without these officers it would be difficult, if not utterly impracticable, maintaining an organization of the militia that would be better than none.

If by the *twelfth* question, detachments for actual service in time of war is contemplated, I am inclined to the opinion, from observation during the late war, that three months is too short a term for any valuable purpose. There can be no objection to six months, or even a longer term.

I will remark on the *fifteenth* and *sixteenth* questions in connexion. Without officers it is impossible to have a militia, or any organization of it, and without public parades, musters, &c. it is impossible to obtain officers: for very few men can be found who will consent to receive a commission, unless they can have the privilege of commanding those over whom they are placed. Several musters, therefore, during the year, are indispensable. But they should not be more frequent than are necessary to this end. The instruction of officers is radically important. On them depends almost entirely both the regular organization and the efficiency of the militia. Any and every kind of troops will appear respectable where their officers have been well instructed. But officers can never be well instructed in practi-

cal duties without the opportunity of commanding. And beside, without this there would be no motive sufficiently strong to induce those attentions, and that ambition, without which they can never be well qualified for the places they may be appointed to fill.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES APPLETON.

Gen. W. H. SUMNER.

The Forces of the United States consist of three distinct bodies, the Army, the Navy, and the Militia. These should be so organized and arranged, as to co-operate harmoniously and effectually, in all times of emergency, for the promotion of the public security. To this end, the relation in which each stands to the others, should be distinctly marked, and the rank of the several corps, and authority of the officers, in the various combinations which may exist, accurately defined. This would be productive of that good feeling and concert among them which is essential to give the greatest effect to the strength exerted. It would also tend to the introduction of that just subordination among the officers, to the want of which, some of the principal disasters to the American arms during the last war may be fairly attributed. The recollection of these points out the necessity of providing against their recurrence; and, united with other considerations, leads to an inquiry into the mode by which the national strength can in future be exerted so as to produce a moral certainty of its accomplishing the designs of the Government.

It is not in my view, in the pursuit of this inquiry, nor do I conceive it to be necessary to the attainment of its end, to suggest any alterations in the system of Government already adopted for the regulation of the Army or Navy. Since their establishment, the melioration of both these arms of defence has been constant, and they may now be considered to be in as good a condition as the resources of the country, and the sentiments of the People respecting them, will permit. Yet, their connexion with the Militia, which the just jealousy of a Republican Government will teach it to rely upon as the principal means of defence, authorizes the remark, that it is but a few years since public opinion, upon the utility of maintaining either an Army or a Navy, in a time of peace, was greatly divided. There is now a perfect union of sentiment in their favor. If, from a demonstration of their utility in war, the necessity of improving their condition in a time of peace, was made apparent, ought we not to inquire whether our experience does not point out the necessity of making such improvements in the condition of the militia as will enable the public to calculate with more certainty upon the result of its efforts? While it is admitted that some of the brightest gems have been set in the crown of our national glory by the militia, and that, when its forces were well directed, both in the war of the Revolution, and the national war, its achievements were the wonder of nations, yet, it must be confessed,

and the attempt to conceal it would be the reverse of patriotism, that often, too often, have its defeats subjected the country to much loss, and the People to severe calamities. If this is attributable to the want of intelligence and military skill among the officers, of discipline among the privates; or has arisen from the inadequacy of the provisions which are made for their regulation, government, and instruction, a remedy should be sought for and applied.

The Militia of the United States, as a body, is probably superior to that of other Powers: But, that it is not what the theory of the institution intended; nor, what the important reliance placed upon it requires it should be; nor, what the general intelligence of the People of which it is composed, ought to make it; is equally true. The militia of some countries is composed of ignorant peasants, who, from their circumscribed limits of association, seldom understand the application of any utensil but to the objects of their daily industry; or of uneducated artisans, who are learnt one trade, or a branch of it, only—and who, consequently, are ignorant of the design of all instruments, but those which belong to their own art. Having no knowledge of the use of fire-arms, they probably would have more apprehension from them in their own hands, than in their enemies'. They have no idea of the order of military organization, nor of the safety derived from that confidence in others, which all feel who know the mutual dependence of an Army. Such are never brought into service as a militia, in the American sense of the term, to act, of themselves, and by themselves; to rally, fight, disperse, and form again, to harass and annoy the invading foe. They have not the capacity and pre-requisite information to to enable them to do it. Thousands of such would make no militia; they would be a mere throng, acting without concert or combination, and doing more injury to them they were called to protect, than to those they are assembled to oppose. These make good recruits for an army, or, what is the same thing in discipline, for the incorporated militia, as they are brought up in those habits of subserviency which make them ready proficients in acquiring the whole duty of a soldier, as comprised in the single word obedience. It is true, they may besides learn to suffer, but their officers will teach them how to act. Individual intelligence and sagacity is of comparatively but little importance to a soldier in the regular forces. In an army, the extent of the departments of science and skill are proportionate to its strength and objects. Every department has its own organization, and is responsible for its own acts. The whole body is dependent on each, and the failure of one produces the overthrow of the rest. The Army has its engineers and pontoniers, its pioneers and artificers, its armorers and gunners; all assigned to their distinct duties; every thing in it is conducted according to methodical arrangement. The soldier exercises no volition, and skill is not required of him. Not so the militia man. In America, he belongs to a class of society which, if it ever engages in war, does it for the defence of its possessions; and not to that which resorts to its occupations for its daily sustenance. Recruits for the regular service are

seldom procured among the best citizens of the community. The militia is what is left after society is purified by army enlistments. In the militia man, knowledge is pre-supposed. In him, quickness of apprehension, sagacity in discovery, enterprise in undertaking, cunning in means, and perseverance in execution, are common qualities. The degree of information acquired at schools, and the habits of instruction and practice in the mechanical arts, have extended the inquiries of our youth to many objects which, in Europe, would be confined to one. Here, the apprentice is not taught to do only one thing; his instruction is not confined to one trade, the use of one instrument, the making of a part of a machine, or the combining of those which are made by others. Hitherto, the cheapness of land, and the lightness of the taxes, as a principal cause, has prevented that advancement in the arts, which confines the attention of men to a single object: consequently, not only one, but the whole of the parts of a common weapon, utensil, or machine, are made and put together by one person; and he also manufactures others, equally well; and, after they are completed, is perhaps as skilful in their use as the mechanic or handicraftsman for whom they were designed. The fertility of the soil has, at the same time, made such a confluence of unprovided population in the new settlements, that wants are accumulated beyond means. Hence, hardships are sustained, risks are encountered, and fatigues endured, which give strength, activity, and fortitude; invention is stimulated, and means are adopted which nothing but the wit of necessity could devise. The militia man thus learns to do every thing for himself; and, in doing it, so far from discovering any mortification at the necessity which requires it, draws pride and satisfaction in feeling that degree of independence which arises from the discovery of the ability he possesses, so far to provide every thing for himself, as not to depend for any thing on others. The sagacity which our yeomanry who compose the great body of the militia, are thus obliged continually to exercise, in the discovery of expedients, and the necessity the mechanics are under of making and combining all the parts of a machine, and putting it in motion, naturally puts the mind of the agent upon the inquiry how the same result can be accomplished by fewer processes. In this, such ability has been discovered, as has attained for the Americans great celebrity for their inventive powers. It is by the stretch of this faculty, united with the habit of self-dependence, that the militia man is enabled to provide substitutes for every thing which is wanting and necessary. He thus has the means of moving and acting, when others would suffer or be at rest. Understanding the application of the common mechanic arts to the useful purposes of life, he is able to make roads and bridges without pioneers or engineers. He will make boats and rafts without pontoniers. He will repair his own fire-arms without the aid of an armorer, and a gun-carriage without a wheelwright. He understands all the means of transportation and supply. In the forest, where he cannot shew his skill in foraging, he will hunt for his food, or obtain it by fishing in the streams. He undestands the manage-

ment of a boat, either by rowing or sailing, and, for the want of one, can swim. He can ride and manage a horse, and repair his harness and equipage. He uses the axe, the saw, and the hammer, with as much ease as the mattock and spade; and the lever and the screw are in daily use. The weapons of war he is as familiar with as the utensils of husbandry. Muskets and rifles are in every house, and he is practised in their use, either as a hunter in the forest, in his sports, or militia exercises. The general diffusion of education has given him even higher advantages. He can read, write, and compute, and, in every thing he undertakes, feels that pride of exertion which nothing but the fullest confidence in the importance of his own services could give.

To the general and local knowledge, mental sagacity, and physical strength which the people possess, the moral character must be added as more important than either. The effect of liberal systems of instruction, and that freedom of action which freedom of thought produces, has inspired the American People with a moral feeling and conduct, which, added to their other distinguishing qualities, enables them to furnish a better material for an efficient militia than is elsewhere possessed. Their habits of self-restraint teach them not to want what they have it not in their own power to procure. But though a patient, they are a spirited and enterprising people, and will incur any risk for a desirable object. They are a free people, who justly think their own condition better than that of any other; a proud people, "alive to honor, and sensitive to disgrace;" a considerate people, who act more from judgment than from impulse; an educated people, who understand how much they have at stake; an intelligent people, who know how to prize it; a skilful people, who can devise the means of their own security; and a brave and patriotic people, who will hazard and suffer every thing in support of it. Such a people, content with the victory, without aiming at the glory of it, if their energies are well directed, will constitute a most harassing power to an enemy on his approach, and a destructive and appalling one to him on his retreat: they are never at rest themselves, nor will they often permit their enemy to enjoy the quiet of a camp. It is true many of these qualities are often displayed by the soldiers and inhabitants of other countries, though the combination of them, by the force of education and habit here known, is believed to be rare. In the American militia patriotic and personal motives are united; it therefore possesses not only the entire confidence of the Government in its moral character, but the objects of its employment are interesting to the persons engaged. Our republican institutions are mainly dependent upon it for their preservation and permanency. The sentiments, feelings, and prejudices, of the nation are strong in its favor, and, in many places, all the stimulants of ambition, and the incitements of pride, are afforded to its officers and soldiers; and all the objects which are dear to freemen ensure their reward. Nevertheless, it is a lamentable truth, that none but abortive attempts have been made for its better adaptation to the purposes either of its original design, or its application to those multiplied uses

which have arisen from the vast extension of the national domain, constant addition to the number of States in the Union, and the increasing elevation of this empire in the scale of nations. The value of the institution is admitted, and its defects acknowledged; but, as no remedy is provided, its efforts, in too great a degree, continue to be left to chance. The best of our citizens are subjected to the exposure of their lives; widows and children mourn the needless loss of their husbands and parents; misery and distress are brought upon families by the destruction of the lives of those who are engaged; all feel the consequences of its disasters; and yet, from the comparative inferiority of the militia, how few consider the country disgraced by its overthrow in the conflicts in which it has been engaged!

How long shall this state of things be permitted to continue? Our Government and laws, generally speaking, keep pace with the advance of knowledge and the progress of society; but the militia, this vast engine of power, has remained unimproved ever since the first law was passed, shortly after the adoption of the Constitution, providing for its simple organization.

Reflection teaches, that, while the National Government has so long been inactive upon this subject, the causes of superiority of the militia in some States, over others, are principally to be traced to the encouragement which their several Legislatures, by a wise use of their reserved constitutional powers, and those which are granted to them by Congress, have afforded it. The capacity for improvement, which is thus exhibited, the limited authority of the State Governments, and the long continued neglect, by several of them, of the means they possess for advancing the attainments of the militia, shews the necessity of the exercise of all the powers with which the National Government is invested, to produce that equality in its condition among the several States which its national importance demands.

The subject, as a national one, is no doubt attended with great constitutional and practical embarrassments. These do not, however, lessen its national importance; but, on the contrary, shew the necessity of great deliberation in its investigation. In the progress of our inquiries, if we find that the local habits and interests of the different sections of the country are a principal source of difficulty; if we find, among the slave holding States, the preservation of the public security depends upon the embodying of almost the whole efficient white population, while, in others, the absence of this cause would render such a measure burdensome; if we find that in such of the old States as have a dense population, the frequent assembling of the train bands for drill and instruction might be easily accomplished, and in the new, where the inhabitants are sparse, these frequent trainings would be oppressive; we may possibly discover some mode of remedying these difficulties, or learn to content ourselves with the reflection, that, on the Atlantic frontier, where the country is cleared, and the troops will be called to act in large bodies, a higher degree of attainment in military science, and a better knowledge of tactics, will be necessary for protection against invasion, than in the less cultivated parts, where

the defiles are numerous, and the country itself furnishes means for the successful operation of those who have a knowledge of its passes, and have gained, by their daily use of the rifle, the best qualification of a militia force. Our investigations may lead us to the discovery of a mode of keeping up the organization, the officering, the arming, and returns of the militia; giving to all, according to the kind of service which will probably be required of them, such opportunities of association and exercise as are indispensable to excite the ambition of the officers, and to stimulate the pride of the soldiers, without making the duty burdensome. Even on this point we may come to the conclusion, that, although, at the formation of the Constitution, when containing about three millions white inhabitants, it was necessary, for the protection of the country, to provide for the enrolment of all able bodied white male persons between eighteen and forty-five years of age, embracing almost the whole of its efficient white population; the vast increase of our numerical strength; the general distribution of arms, and the accession of other means of defence, through the establishment of an Army and Navy, and of a regular system of fortifications, will now permit us to reduce the extent of the militia burdens, by including the train bands within less comprehensive numbers. At least, having ascertained the true causes of the embarrassments, and the obstacles to improvement which local habits and necessities now present, it is apprehended the difficulty of forming general laws suited to the situation and condition of the people in the different sections of the Union, or to the wants of the country itself, will be diminished. The grand object is, to bring the militia into that condition which is best suited to the preservation of individual and State rights at all times, and to the increase of the national security, when it shall be called into the national service. Yet who, after the many projects which have been brought forward without success, can tell how this is to be accomplished? Experience alone must direct us. That of thirty years has already shewn the great embarrassments with which the subject is attended. No time should, therefore, be lost in commencing its investigation: for it cannot be disguised, that, with the increase of the causes demanding improvement in the condition of the militia, the difficulties of accomplishing it accumulate.

How then shall this investigation be commenced? or rather, what is the most expedient mode for the Government to adopt to obtain the facts needed to enable it to act with that degree of intelligence on this, which it discovers on other subjects of national concern? It is answered, that reflection upon the limited constitutional power over the militia possessed by the States, and the consequent extent of the authority of Congress respecting it, leave no doubt that the reform must be commenced by the National Government. Let that Government then inquire whether it possesses the beneficial sources of information on this, that it does on other concerns of national regard, and whether the several States, even, are not furnished with superior advantages to it on this. In doing so, if it shall discover, that it is rather to the State than to the United States laws, that the diversity

in the character of the militia of the several parts of the country is to be attributed, and that to the proper organization of an Adjutant General's Department in some of them, the superiority of their militia is in a great degree to be attributed, it will naturally extend the inquiry, and ask whether the adoption of the same means would not be attended with advantages to itself, equal to those which the States alone now possess?

In the States referred to, the Adjutant General is the head of the Commander in Chief's Staff; through him all his orders are communicated, by him all his detailed information is collected; to him appeals are constantly made by the officers for a construction of the laws and orders, for information respecting the exercise of their powers, and for opinions upon questions of rank, authority, and duty. By these officers, all blank forms are prepared and instructions for making them given. By them registers of the officers in commission and rosters of those on duty are kept. The orders for holding General Courts Martial, Courts of Inquiry, and Boards of Officers, are prepared by them, and their proceedings examined and submitted to the Commander in Chief for his approval. All commissions are made out, resignations received, and, when accepted, regular discharges of officers from their authority are issued by them. They have regular files of all returns, petitions, memorials, remonstrances, and papers, received at their offices, and record all their orders, letters, and opinions. They collect the information necessary to enable the Government to act understandingly on subjects connected with the organization of the militia and its arrangement into corps. They report the officers for neglect of duty, when their returns are not punctually and accurately made; condense and make abstracts of these, and annually submit them to the Commander in Chief, by whom they are usually communicated to the Legislature. Several of the States have derived the benefit of this arrangement for many years, while in others the perceptible improvement in the condition of their militia, from its more recent adoption, confirms its utility. In fact, omitting numerous other details, so important are the duties of these officers, where their Departments are properly regulated. it appears impossible, that a proper organization, even of the militia, could be maintained without them, much less, that its concerns should be managed with order, harmony, and correctness.

Experience having thus produced the conviction that a Department under the direction of a responsible officer, is essential for the regulation of the militia, the inquiry becomes pertinent, why should not the National Government adopt the means which, under its authority, the several States enjoy for the management of this important interest, and provide for the appointment of an officer whose whole duty it shall be to attend to militia concerns, and thus open to itself a channel of information similar to that which it possesses in every other branch of its authority?

Though the utility of the proposed measure is almost sufficiently apparent, without further illustration, yet its advantages will be more

conspicuous when the power and duties of the officer shall be pointed out. But before this is attempted, lest any one should suppose that there might be a constitutional impediment to the arrangement arising from the power of the States to provide for the appointment of all militia officers, it becomes necessary to make the previous remark, that the officer for whose appointment legal provision is proposed, would be an officer of the United States, and not a militia officer. If it were not so, the constitutional obstacle would be paramount. The United States' Adjutant General of the Militia, would be provided for the bureau, and, as he would of course have no command, there would be no more constitutional impediment to the Congressional provision that all the returns of the militia of the several States should be made to the President through the Adjutant General of the militia; and that he should prescribe the forms of those returns, than there is, that they should be made through the Secretary of War, and that he should perform that duty as is the case by the existing provision. Now, for the want of an officer who by law is obliged distinctly to attend to militia concerns, all the duty of the Secretary relating to them is performed ex gratia by the Adjutant General of the Army. Thus the returning officers of the militia of the several States, make their returns to, and receive their forms from, an officer of the General Staff of the Army, inferior to them in rank, and, to the constitutional authority and control of whose principal, they are not subject.

The jealousy of concentrated power which existed at the adoption of the Constitution, caused the States, when they granted to the Federal Government the unlimited power to maintain armies, build navies, and raise revenues, to reserve to themselves the militia force, except when its use defensively might be required for the preservation of the national domain and peace, against foreign foes and rebellious subjects. This power must then be considered as the grand physical characteristic of State sovereignty. Without it, the pillars of the Union would be too slender to support the national fabric. Those therefore who have a just estimate of the importance of the State sovereignties for upholding the national structure, will be careful to avoid the amalgamation of the National and State forces, even so far as their holding correspondence with, and making their returns through, the same member of the General Staff, has a tendency to produce it.

Viewed in this light alone, the suggestion must strike every one as an improvement in the present practice. For, as the army and militia are different bodies, the one enclusively a national, and the other, (except in actual service, under the command of the President,) definitely a State force, their distinctive character should forever be preserved. Besides, as the habits and character of the army and militia are different, the instructions must be different, and the forms of returns different, according to the organization and habits of duty in each, the expediency, even if no other consideration presented, is illustrated of having a separate officer assigned to each branch of service.

Notwithstanding the extent of this great State reservation, so long as the body politic preserves its moral strength, the most important,

and, indeed, almost the only cases in which the militia will be called into service, will be under the Federal power. Considering it then as a muscle in the national arm, the militia should be so arranged as always to co-operate with the army. The United States' Adjutant General of the militia should consequently be attached to the War Department, so that the orders of the President to these national forces, should pass to their destination through the same primary organ. The rank of the Adjutants General of the several States, should be fixed by Congress, as is that of other officers, and the United States Adjutant General should have precedence of them; so that when called to act on Boards of Officers, or otherwise, conjointly with officers of the army or militia, he should rank the latter. He should reside at the seat of Government of the United States; and the returns of the whole body of the militia in peace. and that part of it which is not detached for the national service in war, or other periods of constitutional emergency, would be made through the Adjutant General of the militia; while those of the troops placed in the service of the United States, would be made by the officers commanding them, under the authority of the President, through the office of the Adjutant General of the Army, as at present.

As no confusion would result from this organization, then, let us look more minutely into the authority of the additional officer, that we may judge of its benefit.

Among other duties, the United States' Adjutant General of the militia shall be obliged to furnish blank forms of all the different returns that may be required, and to explain the principles on which they shall be made; to prepare and distribute to the several States, books of instruction, suited to the militia organization, for the drill and exercise of all the various corps of which the militia consists, according to the system of discipline prescribed for the army; and adopt all necessary and proper means for bringing the system into general use; to receive all the returns of the militia of the several States, and Territories, and to make abstracts of the same once in every year, exhibiting the number of divisions, brigades, regiments, battalions, and companies; of what corps they consist; the strength of each, the number of officers and men, and the condition of their arms, accoutrements, and ammunition. He shall also make inquiries respecting the local boundaries, and extent of the different divisions of the militia, the state of their organization and drill, and the force which can be brought to the defence of their important neighboring positions in any given time, obtain the information needed to enable the President to call for the militia of the several States, or any particular division of it, under the act of Congress in 1795, to the greatest public advantage, and, by his returns, the number of men which are taken into the national employ, the divisions from which they are detached, and the effective strength which remains in reserve, either for future drafts, or to guard against unexpected attacks, shall always appear. He will likewise prepare forms for the return of all the arms and equipments furnished to the several States and Territories, under

the act of the 23d of April, 1808, "for arming and equipping the whole body of the militia of the United States," exhibiting the manner in which they are kept, or how they are distributed; of books of instruction, and of all other property, which shall be furnished to the militia, at the expense of the Government. He shall collect as much information as can be obtained, relating to magazines and arsenals, belonging to the States or individuals; the quantity of powder and military stores deposited in them; the manufactories of gunpowder, musquets, rifles, swords, and other implements of war; the number of men employed, and the quantity which can be produced in any given time, at each establishment; the situation of cannon foundries, and furnaces for casting shot; the facilities of transportation, and the cost of it by land and water. He shall communicate to the Adjutants General of the several States, such information as shall be furnished to him from the Ordnance Department, relative to the best mode of keeping and preserving musquets and other fire arms, of cleaning and preserving leather harness, cartouch boxes, bayonet and sword scabbards, belts, straps, and all other military equipments; and, also, relating to the making of gun-carriages, ammunition-wagons, tumbrils and caissons, so as to produce an uniformity in their construction throughout the United States. And to cause punctuality and accuracy in the returns of the militia of the several States and Territories, provision shall be made, (if the law does not now admit of that interpretation) that the arms and equipments procured under the act of Congress, "for arming and equipping the whole body of the militia of the United States," shall be distributed among the several States and Territories, according to the returns made of their militia for the year preceding each annual distribution. In fact, he shall collect all the information relating to the strength and condition of the militia, the materials of defence, which the country can furnish; the cost of purchase and transportation; shall keep regular files of the papers received, and a record of his correspondence; and, besides his annual returns, when called upon, he shall communicate such information to the President, as his bureau will furnish; and be liable to all such duties relating to the objects of his appointment, as the President shall assign to him.

If military men should think that a part of these duties could more properly be attached to other bureaus, it will not be controverted, it is presumed, that all the facts and information herein pointed out, are necessary to be had, and should be collected for the Government by some mean or other. In the absence of all provision for this purpose, at present, these duties have, therefore, herein been assigned to the new officer, as the first step in the work of reformation, leaving to time and experience, that more orderly arrangement or subdivision of the whole duties of the War Department, which shall appear to be most expedient.

It is also necessary to remark, that the idea is not designed to be conveyed that all the duties of the office are comprehended in the aforegoing enumeration. Enough only was intended to be shewn to

remove any doubt that the new office would be one of great utility, and that it would require the undivided and assiduous attention of at least one person for its methodical arrangement and laborious duty.

This plan, it will be perceived, has nothing new in it; but is suggested, in furtherance of the system, which, in the late organization of the Army, has wisely been introduced, providing for the residence, at Washington, of intelligent officers at the head of each Department or branch of its concerns, to collect such facts and details as the state of the country may at any time require for the Government's use. The President has now no officer to call upon for answers to his inquiries respecting the militia except the Secretary of War, who, under the existing organization, possesses no official information other than such as is afforded by the present incomplete abstracts of the Annual Returns of the States and Territories, some of which have not made any for several years. He has no officer subject to his command whom he can assign to any of those various duties, which the importance of the institution requires should be performed by a person properly qualified by intelligence and experience. The paucity of the President's information alone, and the impossibility of his obtaining it under the present system, even if no prospective advantage was likely to be derived from it, affords an important motive for the adoption of the measure proposed. Though the positive advantages are thus shewn to be of no small consideration, the prospective are much greater: for, in the light in which the subject is viewed after long contemplation, this appears to be the best, if not the only mode, by which those improvements can eventually be made in the militia of the United States, which its capacity admits, and its present condition requires. That there will be some delay attending it, is admitted; but this will be no greater than the difficulties of the case itself create. If all the country was like New England, with the experience that is there attained, certain specific amendments to the laws might be advantageously proposed. But that is not the case. In this immense territory, the habits and customs of the People differ from each other; education, and the means of obtaining it, are widely different; the wants and necessities, the resources and objects of the several States and Territories, essentially vary from each other. What, therefore, would be useful to one, might be injurious to another. An uniform national militia, in a confederacy of sovereign States, is a desideratum, the practicability of establishing which is doubted by many, though none doubt its utility if it can be accomplished. Shall so great an object be abandoned, then, without even an examination of the difficulties which attend it? If we would inquire into these, we shall find that some of them are habitual, and the strength of these is daily increasing; but that the most important are constitutional. These latter are not, however, supposed to be greater than those which have attended the true construction of the National and State powers in other branches of authority, and which the experience of every year is illustrating and defining. While the obstacles of habit are to be removed by new and improved practices, those emanating from constitutional provisions, it is thought, by exa-

mination, will be found to be less consequential than has been imagined. Like those arising under the judiciary power, they require only to be investigated and settled, to strengthen the connexion, and ensure the continuance of that harmonious co-operation between the State and Federal Governments, which every new decision is in practice producing. In reasoning upon constitutional barriers, with the view to an uniform system of operation in any one branch of authority, the magnitude of the impediment is often such as to make the sanguine wish for its removal by a greater concentration of power under one authority. But a recurrence to the system of checks and balances which forms the peculiar character of our frame of Government, when its general influence is considered, will teach us that it is those very distinguishing features which preserve its identity, and which alone will secure its duration. Let us not be uneasy under them, therefore; nor look upon the Federal Government as a foreign Government made for us, and not by us; as independent of public opinion, and not, as it is in truth, founded upon it, and receiving its daily support from that general concurrence in all its acts, which shews that the exercise of all its powers is reduced to the standard of human reason. We need not fear that the same public sentiment which supports the one in all its authority, will restrain the other from usurpation; and that the united approbation of the public, which strengthens the measures of the one, will incite the other to the exercise of its co-ordinate powers. Let the National Government be content then with the authority which is given, and use it under the restraints imposed. Take the grant by its terms, and concede the reservation according to its intent, and thus unfasten that public jealousy, which, more than any constitutional provision, has impeded our political progress. When the United States' Government executes its own powers wisely, that public sentiment which approves it will produce such correlative provisions under the State authorities, as are necessary. Both Governments are Governments of the People, and of the same People. Let public opinion, the great corrective of public abuse, and, at the same time, the highest incentive to patriotic exertion, be appealed to, and it need not be feared that any constitutional object will be effected, under our present forms of Government, however complex they seem to many, if it be approved; and, if it be otherwise, whether the authority over the subject be single or co-ordinate, it matters not: for vain would be the attempt to exercise it.

The embarrrassment, then, which exists to making a perfectly national militia, arises under the power reserved to the States by the Constitution to provide for officering and training the militia; while that for organizing, arming, and equipping it, and establishing the system of its discipline, is granted to the National Government. This simple enumeration shows these to be dependent powers, and it sufficiently exposes the necessity of the joint co-operation of both Governments for the advancement of the system in practice to the point intended at the time of its adoption. For it is at once apparent that the power of Congress to organize, arm, and equip, the militia, and

establish its system of discipline, is of no use, unless the officers to command it are provided by the States, and the troops are disciplined according to the system prescribed. The States who made the grant to the Federal Government of their militia powers, did it with an implied obligation of co-operation on their own part with the co-ordinate powers they reserved. The object in view warrants the belief that, but for such an understanding, the grant would not even have been accepted. But, in different States, different modes for appointing officers should be provided, and that a difference of sentiment should exist among them respecting the extent of their obligation to train the militia after it is organized and officered, and this, of itself, is sufficient to create serious impediments to making an entirely uniform national militia by Congressional provision solely. But though the the National Government cannot do every thing to the accomplishment of this great object, it can do much. It can at least exercise the powers it has, and cease to claim those it has not.

It can conform the organization, and numbers, and rank of the officers of the militia to the most improved modes, and thus make the rules, provided for the exercise and manœuvres of the army, applicable in practice, as they are by statute, to the militia. Definitely establishing the form of the militia organization, it will no longer permit this, the most important of all its powers, relating to this subject, to be rendered inoperative, at the "convenience" of the States. Better is it, at once, for the United States to relinquish the power, than, after having established its form, not to require its execution. We should then expect to find an uniformity of organization in each State at least, whereas we now see companies containing from twenty to two hundred and fifty privates; regiments, from five to sixteen companies, composed sometimes entirely of infantry, sometimes of a part, and sometimes nearly of all the different corps of cavalry, artillery, infantry, light infantry, grenadiers, and riflemen, of which the militia consist, and containing from three hundred to fifteen hundred men. If the several States had the responsibility of this power, the unmilitary arrangement of eight regiments to a brigade, and of seven brigades, instead of two, to a division, would not be seen in any. All this deformity arises from the operation of the existing laws, defeating the design of those who granted the power to the National Government, for the sake of ensuring a perfect uniformity of organization.

It can provide arms and equipments for both officers and soldiers, and authorize the delivery of colors and musical instruments from the national armories. Thus it would relieve those whose expenses and burdens are heavy and unequal, instead of attempting to impose on them an obligation which it has not the constitutional power to enforce. It is true that Congress has power to provide arms and equipments for the militia, but its authority to require the colors to be furnished at the expense of the field officers, and the musical instruments by the company officers, will be considered as vain as it would be for it to exact from those holding civil offices, under State authority, pe-

cuniary, or other grants, proportioned to their elevation, and its means of enforcing the penalties of disobedience would be no greater upon the military than the civil officers. The same observation may be applied to uniforming the militia, which is not only not one of the ceded powers, but is one which can both more economically and properly be exercised by the States, who may thus establish, for each, such characteristic marks or badges, as will, when the troops of several States are together, distinguish the line of each from the other, and from the line of the army. These are attempts at legitimate legislation, which diminish the dignity of the enacting authority, and lessen the respect of those from whom submission is expected.

It can establish a system of discipline for the artillery and cavalry, as well as for the infantry.

It can provide and distribute books of instruction to the officers, and thus secure an uniformity in the words of command, of exercise, and manœuvres, throughout the Union; and, as the power of Congress to compel the attendance of militia officers at drills, for instruction, is not generally admitted, if it will furnish instructors to such of the States as choose to avail themselves of the advantage furnished, it need not be questioned that the opportunity will be embraced to the extent of the provision.

It can provide for the appointment of Aids de Camps to the Commander in Chief of the several States, and other necessary officers, and fix the rank of some whose appointment is now provided for.

It can more accurately define the mode of arming the several corps, and make some improvement in the selection of arms to be used.

It can revise the provision for inspecting the troops which is insufficient, and for returning them, which is not only fixed at an inconvenient period for the use of the Government, but is incomplete also in its details.

It can provide rules for the police of the militia, and add many necessary practical regulations.

It can relieve the elder class of those who are now enrolled, from duty in time of peace: for it certainly cannot be necessary to require so great a proportion of the whole to be enrolled, as was expedient when the population, upon the same territory, was about one-third the present number, and our other means of defence incomparably less. But if there are any particular parts of the country, the character of whose population requires the keeping up a large military force in peace as well as war, the power can safely be left with the States to make additional enrolments, it being fairly to be presumed, that no State will impose a burden on its citizens, which its own peculiar exigences do not require.

Above all, it can take back to its own exercise the power of exemption, which, under the State authorities, has been used more destructively to the spirit of the militia, than even to its numerical force.

It can also do much, in other ways, to encourage the ambition of the officers and the pride of the soldiers, so indispensable to the preservation of the system in any degree of respectability, and no mea-

sure would be more likely to have this tendency, and produce the conviction that the General Government intended to extend its protection to the militia, than the appointment of a Staff Officer, to represent their interest, and become the official organ of their communications, at the seat of the national Government.

One of the most immediate and best effects of these measures will be to inform the public mind, which, not being obliged to reflect on principles that it is not called on to apply, is now too much influenced by the interested sentiments of those who proclaim a privilege a burden, and make individual hardships national calamities. The patronage of the Government will undeceive the ignorant, disarm the cunning, and cause the thinking part of the community to reflect on the advantages, in a republican Government, of placing arms in the hands of the whole people, and of training them to their use. Thus public opinion, the power with which the laws in all Governments must ultimately accord, and whose effects, on those which are free, are almost immediate, will be enlightened. Let a change in the militia system be decreed by public sentiment, (and that it surely will be, when a clear perception of the best modes of effecting it is entertained,) and it matters not whether the powers to accomplish it, belong in whole, or in part, to the State, or the United States; whether they be co-ordinate, dependent, or contingent, their exercise will be commanded. Such patronage will make the militia service respectable and its offices desirable. Consequently men of higher attainments will be found in authority, an interest felt in the institution, and an influence created in the community, which will add much to the dignity and utility of the institution in peace, and to its strength in war. But the States alone can do nothing. The United States must begin the grand work of militia reform. The States have a right to demand it at their hands. The mililia is their force, the service of which they have authorized the United States to use on certain occasions, and as these are the most important of any in which it will be called to act, they have yielded to that Government the important powers to organize and arm it, and to establish its discipline. Certainly this would never have been done, but under the full belief that those powers would be exercised; but, having ceded them, the States may with great propriety claim their execution, in fulfilment of the implied obligation, which was the consideration of the grant, that thereby the force employed should be fitted for the service for which it is destined.

It is not herein intended to impute to the national councils a want of disposition to comply with their obligations. The cause of the evil does not arise from this source, but rather from the want of a satisfactory conviction in their mind that the remedies which have been proposed would answer their design; nor, by the remark, that, by the adoption of measures for the improvement of the militia such as have been suggested, or others which shall effect the same objects, the poorer class of citizens will be relieved, do we wish to be understood as claiming for the poor *exclusive benefits*: our only wish is to relieve

them from *exclusive hardships*. It is not to be denied, that the efficient militia is, in a great degree, composed of such as have not influence enough to obtain any of the numerous exempting offices, or pecuniary means to pay the forfeitures of non-compliance with legal requisitions. The claim we make, therefore, is one of justice to them not only, but it can be allowed without injustice to others; and, until it can be shown why those who fill the ranks of the militia, those, in fact, who do the work, why they should be obliged to provide arms for the defence of the whole, without aid from any; why they should spend their time, without remuneration or other marks of consideration from those who share the advantage; furnish their own ammunition and rations, and pay the expenses of assembling, without assistance from their exempted and wealthier neighbors, whose property is a principal object of defence; the claim will continue to be urged on the strong ground of justice and equality.

It is believed that there is no department of the Government that deserves more attention than the militia; none in which the defects of the system are more apparent; none which is more susceptible of improvement; none about which public sentiment is more divided; none which is attended with more extraneous difficulties; but all of which may be traced to the want of those facts and that information which, in all affairs, is indispensable to enlightened reform. It is not expected that all these difficulties can be removed at once. But, let the inquiry be commenced, and the subject examined; let the habits and interests of the different sections of the Union be consulted; let the powers granted and those reserved by the States be considered; let amendments be the result of knowledge; let facts be collected, information communicated, and public sentiment enlightened, and reformation will surely follow.

This will not be an untried experiment. Its utility has been tested, and its result is exhibited in those States where the concerns of the militia are systematically conducted according to the provisions of their Legislatures requiring it. How much more necessary it is that the President should have the advantage which would result from the establishment of a similar department at the seat of the Government of the Union, the comparative extent of his authority sufficiently demonstrates.

But, though the laws for the regulation and government of the militia are defective, unequal, and oppressive, the principles upon which the system is founded are correct. They have been tested by experience, and carried into operation in the incomplete mode which is at present adopted, have already produced, as we often hear it remarked, a militia which Europe does not exhibit. But does it satisfy us, that those who have as much to fear as we have to hope from such an institution, have not brought it to the same degree of perfection as ourselves? Will the independent People of America, who place their chief military and their whole civil dependence on this force, be satisfied with having a militia which is only, comparatively, better than that of Governments which resort to it always with fear, and never

place arms in the hands of the People but when the invader is at hand? The possession of muskets by all the able bodied men of a country gives to them that perfect sense of their own freedom, which causes each, in his own castle, to stand, like a centinel, watching his liberty. "If France had such a militia," said a late distinguished visiter, when he received the salute of six thousand of them, "she would have a free Government." The militia is the preserving power of republicanism. What would dissolve arbitrary governments, confirms and strengthens the free. It can hardly be believed that a community which, against all existing precedents, had the intelligence to found a system of self-government upon the basis of original equality of privilege and power, and the virtue to maintain it, to the delight of the philanthropist, and the fear of the selfish and powerful, will ever forget that a self-depending must always be a self defending power. Those who have set the world an example of unequalled wisdom in their civil institutions, derive too much pride and gratification from them to neglect the means of their preservation.

In addressing myself to our military head, my observations have been confined to the use of the militia as a defensive power. But in this light alone it might be viewed of equal importance to Governments of all forms. I cannot, therefore, permit his republican virtue to impute to me the belief that its uses to ours are thus confined.

Under our Constitution, the militia must ever be estimated as the bulwark of civil and individual liberty. Directed by public sentiment, it will guard us from the oppression of power: regulated by wisdom, and patronized by the Government, it will secure us from anarchy: officered, trained, and supported by the States, it is the guarantee of their sovereignty and union; and properly armed and disciplined, in conjunction with the Army and Navy, and aided by a regular chain of permanent fortifications, it forms an impenetrable barrier to the invader. It is, therefore, as essential to the preservation of civil as it is to territorial rights. "As auxiliary to a regular force," says Mr. Madison, "and a substitute for a large one in time of peace, a disciplined militia forms an essential part of a republican system, it being certain that liberty cannot be safe with powerful standing armies, nor in danger without them, and that without an effective militia, the danger of such armies cannot be precluded."

But its advantages are not confined to its military and civil uses exclusively. Its moral influence on society and individual character is also deserving of our regard. A disciplined militia, composed of all classes of citizens, of parents and sons, of masters and apprentices, of guardians and wards, commences its influence on those who, in their progress to maturity, become liable to enrolment at a period of life when parental authority begins to lose its control. It regulates the eccentricities of youth, inculcates subordination to authority, teaches obedience to the laws, and respect for those who are entrusted with their administration. Its associations promote civility, good manners, and friendly intercourse in society. Its exhibitions are public, encouraging cleanliness of person, and eliciting that pride of cha-

racter which leads to the fear of reproach, and enlivens the desire of distinction. Its employments are active, requiring judgment and decision. Its exercises are manly, giving grace to the person, vigor to the muscle, and energy to the mind. Its duties are scientific, inciting to study, and inducing inquiry. Its objects are patriotic, animating the best feelings of the heart. Its offices, open to all, are the incentives of honorable ambition, affording to those in humble stations, whose merits might otherwise remain unnoticed, opportunities for disclosing those virtues and talents which recommend them for civil preferment, as well as military promotion; and thus it is, this truly republican institution, in connexion with our systems of public education and establishments of religious instruction, contributes to produce that just subordination in society which influences all its conduct, and constitutes an orderly community.

Let not, then, this valuable institution fall into disrepute, for the want of the patronage of those who know its merits. In the militia all have an interest, those who have property to defend, homes to protect, and liberty to secure, as well as those whose lives are risked. It is composed and officered by men drawn from the various classes of society. No means should, therefore, be omitted for its improvement and instruction, and for lightening and equalizing its burdens. Militia laws should be made for the government of practical men, and the provisions of them should be as permanent and certain as the nature of the institution admits. The system of discipline should also be plain and fixed, so that the practice under it should be uniform. It should prescribe the discipline of the soldiers, and the duty of the officers; contain simple rules for the formation of companies and battalions, and instruction for a few of the most important manœuvres, such as all may comprehend and execute without much study or labor. These they must be taught to perform, before they are brought into the field for actual service. It is not the intent of the Constitution that the militia should be converted into regulars in time of war, and be kept in service till they have learnt their duty. This would be the most expensive system of defence that could be devised. Our forts are to be garrisoned by the army. The militia are intended as a reserve, to be called out on sudden emergencies, and discharged again as soon as the occasion which requires them ceases. Hence the necessity of their instruction at home, so that, when they are called for, they may come unhesitatingly into the field, and act with that confidence in one another, and in the skill of their officers, which none but those who are well drilled can ever discover.

One of the greatest difficulties under which the militia suffers is a deficiency of intelligence among its officers. This arises not from an indisposition to learn, but from the want of the means of instruction and opportunities for practice. The People of this country are too high-minded to be dragged about the streets under the authority of those who are ignorant of their duty; yet, as the States have adopted different modes for appointing officers, and but little encouragement is given for men of education and ambition to accept commissions;

this is often the case. Suitable methods, then, should be devised for their instruction, so far as the authority of Congress extends, and the States be encouraged to exercise their reserved powers. For this purpose, drill-books should be distributed, and meetings for mutual instruction established, and the esprit du corps excited. The annual drills of officers, which have lately been provided by law, in some of the States, are attended with such benefit to the service as makes an extension of the principle, under more favorable circumstances, desirable.

It is admitted that, although many advantages might be thus gained, no very great approach can be made in the creation of an uniform militia throughout the United States, until the existing inequality of militia burdens which has before been hinted at, is removed. These fall, with unequal weight, upon those who are least able to bear the them. The unexempted class of citizens between the age of eighteen and forty-five, principally consists of those who have the smallest pecuniary means. But they have life and liberty to preserve, which is as valuable to them, surely, as to their exempted and opulent neighbors. They, therefore, most willingly and cheerfully contribute their time in support of an institution which gives them a perfect consciousness of their freedom. Compensation for this would be degrading. But is not this sacrifice of time to patriotism their full share? They contribute their due proportion of taxes for the support of Government as well as others. If this equal obligation gives them equal rights, may they not properly demand the reason, why such as have wealth as well as life and liberty at stake, should not furnish at least the instruments of its preservation, to those, who are thus willing and able to use them. But, under the existing laws, those who perform militia duty are obliged to arm and equip themselves, and also to provide a certain quantity of ammunition at their own expense. In this the poor man sustains an oppressive burden. Not only so, but he is subject to pecuniary penalties for a non-compliance with the exactions of legal provisions, which, by accident or occupation, he may be obliged to forfeit. He must, also, support himself while attending the company and battalion trainings, and defray the incidental and necessary expenses of travel and attendance at the public reviews. The distance to the place of parade is often so great that two or more days is taken up in the duty, making this item an addition of no very inconsiderable amount to the unequal exactions of the laws before noticed. The inequality thus produced is one of the greatest obstacles to the improvement of the militia. It is believed to be so great in those States where the laws are executed in the spirit of the institution, as to deter others from the attempt to accomplish its design. It should hence be inferred, that much success in the establishment of an uniform national militia cannot be expected until this obstacle is removed.

There is only one class of persons whose condition furnishes any semblance of an argument in favor of the existing law requiring every soldier to arm himself at his own expense. This consists of those,

who, by reason of age or service, are now exempted, but who, when they were enrolled, were subject to that obligation They claim that, as they have performed their tour of duty unassisted, their successors should do the same, or at least, that, having provided their own arms, when they were the subject of enrollment, they should not now be called on to contribute to their purchase for others.

This argument had some weight in it in 1792 when the Militia Law was passed. The country but a few years before that time had gained its independence, principally by the personal exertions and contributions of those in whose favor the distinction is made, and surely it was not without reason, when other resources were wanting, that those who came into the full enjoyment of liberty without the labor of its acquisition, should be required to arm and equip themselves for its preservation, as their fathers had done for its attainment. But since that period the condition of the country has changed. Its population has increased threefold, and its resources an hundred. Penury and suffering have been succeeded by affluence and independence. the public means are equal to its wants, and no good reason can now be perceived, why the consequent amelioration which has taken place in the condition of all other classes of society, should not also be extended to that which is subject to militia duty.

It will be observed that, in the remarks upon the inequality of militia burdens, no allusion is made to the national law which purports by the title of the act, "to make provision for arming and equipping the whole body of the militia of the United States." This was purposely omitted, because the amount appropriated is so inconsiderable for the object, it would have no weight in the argument. The title of the act is deceptive, as, at the present rate of supply, it will take seventy-five years to furnish the existing militia, making no allowance for the increase of population within that period. Until Congress shall provide for carrying into effect the design of that statute, so as to make its provisions a substitute for the law of 1792, which requires the militia to arm themselves, our admiration of the principles of the act will only increase our regret at the want of means for its due execution. This we have now good reason to hope is its immediate design. The law of Congress at the last session, extending the provisions of the Act for arming the whole body of the militia to the District of Columbia, according to its title, and for loaning arms from the national armory according to its provisions, is either an act of partial legislation, or contains a pledge to this effect. There is a manifest propriety in according to the militia of that District, the benefit of an appropriation which the original act confined to the several States and Territories. But if this were the sole object of the act, we should naturally have expected some provision in it for an annual return of the militia, as the arms are to be distributed in proportion to the numbers enrolled. But the after provision which authorizes *a loan* of arms to the militia of that District, makes annual returns for the purpose of future supply unnecessary. No reason is perceived why the militia of that District should obtain exclusive exemption

from the requisition of the Act of Congress of 1792, which requires the soldiers to provide their own arms, and yet, there is no uneasiness discovered, at what, undoubtedly, would have been considered as an act of unequal favor, unless its provisions had been of so decisive a character as to justify the opinion that it was intended as a precedent upon which an entire system of relief to the whole militia should be founded. A commencement of this just, and I might say, charitable work, may then be considered as made; and the rapid improvement which it has wrought in the militia of the District, it is believed, will tend to confirm the utility of extending the privilege to the whole body.

Another source of inequality, arising from the numerous and unnecessary exemptions from militia duty, of those who otherwise would be liable to enrolment, which the laws recognize, will be the subject of just complaint so long as it continues. These are oppressive and discouraging to those who remain subject to duty not only, but, under the unlimited authority given to the Legislatures to grant exemptions at discretion, the power is exercised to an extent not contemplated when it was given, and principles are established, and practices admitted, in the different States, which makes the law unequal in the operation of its own provisions. This is a growing evil, not more destructive of the militia numbers, however, than it is of the pride of those who are thus made to feel the inequality of their own condition and influence.

The service required of citizens towards the support of Government is of two kinds, pecuniary and personal. All contribute to the former, according to their ability; certain classes, only, render the latter. These are composed of such as hold offices in the civil departments of Government, instructers of morality and religion, teachers of youth, jurymen, and others, who cannot perform their duties by substitutes. Although some ardent friends of the militia are opposed to the exemption of any person whatever, who by age is liable to enrolment, without the payment of an equivalent, the propriety of exempting from training such classes, is not herein disputed. And if it were, and constitutional restrictions against exercising or granting such a power were made in all, as was lately done in one of the States, still the Legislature could do the same in all, that it did in the one alluded to, put the fines of non-attendance so low as to do more injury than would have resulted from a grant of proper exemption. These abuses are easily corrected. The exempting is incident to the enrolling power which is vested in Congress. Let Congress exercise it, then, and exempt such officers of the Federal and State Governments, and other persons, whose personal duties are equally important, but incompatible with militia service. The obligation and the exemption will then be the same in all the States, and a great advance made in restoring that equality which the various exercise of this power, by the several States, under the authority delegated to them by Congress, has destroyed. Viewed in some lights, indeed, certain exemptions seem to be necessary for the harmonious administration of our system of civil Government. The executive, legisla-

tive, and judiciary functions, must be performed, public education upheld, religion maintained, and the trial by jury preserved. Upon these and the militia, the purity and security of our Government, in a great degree, depends. They are all essential to the order of its practical operation. There would, therefore, seem to be manifest injustice in requiring those to pay an equivalent for not rendering that personal service, in one branch, which their duty required of them at the same time in another. This reason, however, should not release them from the obligation of providing themselves with arms, as is required of those who have less ability to procure them. For until suitable measures are adopted for a more liberal distribution of arms, at the general expense, consideration for the public safety will enforce the argument for equalizing the militia burdens, in favor of this requisition.

These remarks are not intended as propositions for amendments, in these particulars, but are merely thrown out for consideration. Though under the experience of some parts of the country there could be no doubt of their general acceptance, yet their bearing on others should be well weighed before their adoption. They are sufficient, perhaps, to show the necessity of a thorough examination of the whole subject, by one whose situation would afford him the means of ample information. In such case, many suggestions of improvement, better suited, perhaps, to the condition of the whole country, would be proposed, which would facilitate the means of rendering the system more perfect than could be expected to be the result of individual exertion.

Upon two points, however, it is believed there is no division of sentiment. These are, the making suitable provisions for arming the militia, and for the distribution of books of instruction, at the national expense. The adoption of these would, perhaps, induce the States to supply rations, and afford other encouragement to the troops, while engaged in public duty, at the charge of the whole community from which they may be drawn. The obligations upon the soldier, in these respects, are now oppressive; and the public means for their relief, abundant.

It is fortunate for the country that, however great the diversity of sentiment is, respecting the details of the militia system, there is no division upon the propriety of upholding it in dignity and usefulness, so long as it is maintained at all. The mode in which the Government shall do this, is not so important, as it is to have the fact established, that a system of militia patronage is introduced by the Government, which has for its object, equality, relief, and instruction. This would be, in the highest degree, salutary to the establishment. The militia, considering themselves as under the protection of a just Government, disposed to cherish their interest, would engage in their duties with that pride which the inequality of their present condition depresses. They would then be all equally well armed, and their exercise would be uniform throughout the United States. Military service would no longer be considered as a drudgery. All would engage in it heartily. The disposition to obtain exemption would, in a

great degree, cease. The militia would become the national guard, in which every citizen would be proud to be enrolled. Its offices would be sought for by those who now decline them. A commission would become the passport of merit, and an honorable discharge the evidence of faithful service.

But, looking beyond the beneficial consequences which a few amendments to the law, inconsiderable in the amount of their expense to the public, would effect in the militia itself, and reflecting on the difficulty there always will be in a free country, where compulsory processes are not available, of quickly filling up the ranks of the Army, when a sudden increase of it becomes necessary, the conviction is irresistibly forced on the mind, that one of its most important resulting advantages would be, that the country would be furnished with a large class of intelligent and practical officers, from which judicious selections for appointments to Army commissions might be made, of such as, from their known attainments and popularity in their several districts of command, would soon be able to recruit its ranks.

The improvement of the militia will not only increase the national strength, and facilitate its means, but the measure will be one of national economy, considered both with regard to its effect on the public coffers, and the resulting advantages of productive labor: for, if the officers are uninformed, and the soldiers imperfectly armed and untrained, when invasion impends, a larger number of troops than otherwise would be necessary, must not only be assembled, but they must be called out in anticipation of the period of service, to be drilled and receive those common elements of instruction which, if previously attained, would have made it unnecessary to have taken them from the profitable employments of domestic industry, until the danger was immediate. If it would not be considered invidious, strong illustrations of the importance, in point of expenditure, of this truth, might be drawn from the amount of the disbursements for the militia employed during the late war, in different parts of the Union. But facts cannot now be necessary, to show the economy of substituting discipline for numbers, in every light in which the proposition can be viewed; nor arguments adduced, to prove how much more zealous and valuable his services are, who is employed for the defence of his own neighborhood, where all his early associations, domestic attachments, and local knowledge, are brought in aid of his patriotic ardor, than when marched away, for the protection of strangers, to distant places. It may almost be laid down as an axiom, that, in proportion to the length of time the militia continues in service, and the distance of its employment from home, will its moral force be diminished, though its military attainments might be increased. The militia should always be employed where its moral power is greatest; and as this is advanced, the expenses of defence, by this arm, will be proportionably diminished. National economy, a most powerful operator in political concerns, is thus brought in aid of other considerations, making it desirable that such improvements should be made in the instruction of the officers of the militia, and in its organization, arms, and discipline, as to give

it that confidence in itself which will prevent its taking needless alarm, make its employment for long periods less frequent, and its march to distant places unnecessary. The militia trainings are sufficient for this. The dignity and order of military exercises, under the direction of the experienced officers of the Revolution, made them public favorites; and so they continue to this day, in some of the States. The militia trainings are the People's holidays, and, in the country, form their chief amusements. Relieve the militia from the expenses incident to duty, and make the appearance and conduct of the troops such as to gratify their pride, and they will ask no pay for their time and services. This will naturally result from a due public estimate of the value of the institution. The effect of it will shew itself in the wise exercise of the constitutional powers of Congress; in restoring the equality of military obligation which all citizens owe to their country, by exempting none from militia duty, but those who have personal service to render in other conflicting capacities; by establishing an uniformity of militia organization, and affording instruction to the officers, and arms and relief from burdensome exactions, to the soldiers. This must be done, to bring back the militia to the object of its establishment, and some measures of fostering care, at least, soon adopted, to prevent the laws from being treated with contempt by those who are subject to their authority. The respectable yeomanry and patriotic citizens of this happy country will do any thing for the preservation of their institutions, which is equal and honorable. But to be mulcted for not appearing at the public trainings under ignorant officers, a laughing stock to the exempts, is what wise councils will not long expect submission to from a free and high-minded people.

Judging from present effects, there are some who, doubting whether the trainings, even under favorable circumstances, would render the militia good soldiers, prefer that it should be classed and a portion of it called out every year, for a definite period, for camp duty and military exercise. Their views are solely military, and, as such, are entirely accorded with, and the principle fully admitted, that a few days continued instruction in camp will do more towards turning citizens into soldiers than many separate days of instruction. When this conversion shall become necessary, these means will undoubtedly be adopted, as the readiest to effect the object. But if a proper organization is maintained, and the leading features of the institution are preserved, the citizens may uninterruptedly continue their vocations until the immediate presence of danger calls them into actual service. Those who aim at making the militia equal to the regular corps, look for more than it was designed to accomplish. To effect this, they must alter the character of the force: for so opposite are the pursuits of military and civil occupation, that, when the former becomes the chief object, every step the soldier gains the citizen loses. Such is the effect of incorporating the militia of Europe with the regular forces. But it is not our wish to turn citizens into soldiers, in time of peace. The object of our military establishments, on the contrary, is to preserve to us the enjoyment of our civil blessings. We should, therefore,

exceedingly fear the effect of such a change on our moral habits and domestic enjoyment: and those republican statesmen who think that its effect would be alike injurious to the stability of our free constitutions, will avoid every measure which shall cause the business of the soldier to become the sole object of the citizen. The term citizen soldier accurately conveys the character of an American militia man; and the constitutional object and design of his enrolment and instruction cannot be better expressed, or defined, than by the use of those words as convertible terms. The citizen soldier of peace is to become the soldier citizen of war; but, neither in peace nor war, is the character of either the citizen or soldier to be merged in the other. Thus will the principles of military subordination contribute to the good order of civil society, and the pride of honorable distinction furnish new incentives to virtuous efforts. But this cannot be the effect where militia exercises have become so inferior, as to make a compliance with legal acquirements appear to be useless and derogatory. So far as this is to be attributed to the want of the parental care of the Government, injury must be anticipated to the whole of its institutions. It is however hoped, that the decision of the country upon the utility of the continuance of the militia establishment, which its present condition in the United States evinces will ere long be required, will not be delayed till this effect is produced. The importance of that decision, whenever it shall be made, to our free constitutions, is left to be discussed by those who will indulge me with the remark, that, if the militia deserves no better encouragement than it receives, its abolition by a public act would be a measure of wisdom, before an institution, calculated to produce the best moral and political impressions, shall have so far deteriorated, as to give it a demoralizing influence. There is nothing to be apprehended from the public decision upon this question; the difficulty is to get the subject taken into consideration. The result of this will be, none will doubt but those who would turn the militia into regular soldiers, that the militia shall be upheld, as indispensable to the preservation of civil and political liberty; and this very decision will contain such a pledge of patronage as will check the progress of dilapidation, and give time for a careful survey of its condition and wants to be made, preparatory to such amendments to the laws as the useful continuance of its establishment makes imperious.

Without again recurring to those many other considerations and advantages which have before been submitted to the public eye, and which will naturally present themselves to every considerate inquirer as resulting from the operation of a plan for improving that arm of defence, which, after its adoption, it is hoped may with truth be called "the cheap defence of nations," I cannot omit to remark upon its general accordance with those improved practices in the administration of national affairs which have lately been introduced for establishing a perfect degree of responsibility in all its organs; thus, by increasing official accountability, diminishing the public jealousy, and adding greatly to the general confidence.

The object proposed is great, the expense of the experiment trifling. Even if it were considerable, we should not fear that Congress would

furnish the means, when it discovers the utility of their application. So long as no account is rendered of the arms which have been distributed at the public cost, no system of returns or accountability is provided, and no information given of the advantage which has resulted from former grants, it cannot be wondered at, that an enlargement of militia appropriations is not made. But when a plan shall be devised for the suitable instruction of the officers, and for teaching the privates, so far as they are instructed at all, upon the same uniform plan; when a perfect degree of accountability of all public property shall be established; when the files of the returns have only to be examined, and the leaves of a record book turned over by the Members of Congress, to enable them to ascertain all needed information respecting the condition of the militia in every State and Territory in the Union; when the public shall be informed that a system is proposed for the effectual preservation of their individual and political liberty at all times, and by which, when the invader approaches, a million of bayonets will be presented at a single word; he must, indeed, be a sceptic who would doubt that sufficient appropriations would not freely be made to carry it into effect, and give to the militia that stability, dignity, and efficiency, which the theory of the system intends.

In truth, omitting further illustration to avoid prolixity, it seems to me that an intelligent officer, whose duty was confined to the object, by corresponding with the officers of the militia in all parts of the Union, conversing with the Members of Congress, and other well informed individuals from the several States and Territories, and adopting those facilities for obtaining such a knowledge of local habits and necessities as his situation at the seat of Government afforded, would, in a reasonable time, be able to propose, with general concurrence, some simple provisions, by the introduction of which the militia system would soon be established on the lasting basis of utility and honor.

K.

REPORT FROM THE INDIAN OFFICE.

DEPARTMENT OF WAR,
Office of Indian Affairs, November 20, 1826.

To the Hon. JAMES BARBOUR,
Secretary of War:

SIR: I had the honor on the 4th instant, of furnishing the estimate in two papers, No. 1 & 2, of the amount which will be required to be appropriated for the current expenses of the Indian Department for the year 1827, to wit: $181,224. The demand for the increase over the amount appropriated for the last year, to wit: $25,124, arises out of new obligations incurred by treaty; and by an extension of our Indian relations, a reference to which I have had the honor more fully to make in my letter of the 4th instant.

The amount of money disbursed in the Indian Department for the three last quarters of the present year, that is, to the 30th of September, is: $820,080 00; and the amount for the settlement of which returns have been received within the same period, is $573,732 00, leaving to be accounted for $246,348 00. This deficiency, if it can be so called, is, however, only apparent. It arises in great part out of remittances which have been made to Superintendents and Commissioners, for certain objects which have not yet been fully accomplished; and out of the difference between the period in which, by the act of Congress amendatory of the act of 1802, approved May 6, 1822, the Agents are required to make their returns, which is to the 1st day of September in each year; and the period, to wit: the 30th of September, embraced by the call for a statement of the disbursements and receipts. The Agents making their returns up to the 1st of September in conformity to the act of Congress, they show only their disbursements *up* to that date; whilst they are charged with whatever they may have had remitted to them for application *to the 30th* of the month. The result is, an apparent balance against the Agent, and for just the amount which he may have on hand on the 1st of September, and which may be applicable to the objects for which it was remitted to the close of the third quarter of the year.

It is believed that of the entire amount disbursed, not a cent will be lost; and that as soon as the application of the money is made on account of the objects for which it has been remitted to the several Agents charged with its application, returns will be received for every dollar.

The amount of demands for this year against the provision of $10,000, on account of education of Indian children, as per act of 3d March, 1819, appropriating that sum for the civilization of the Indians, is $13,783 33⅓.

This act went into operation before those to whom it was deemed best to entrust its humane provisions, were fully prepared to engage in their application. The sum consequently increased, and a surplus arose out of this state of things. This surplus in the first years after

the passage of the act was considerable; but it had become reduced in the last year to $3,550 00; and now the whole of it is absorbed, and every dollar of the appropriation is disposed of in the apportionments which have been made towards the support of the schools that are in operation under the regulations of the Department. It is to be regretted that the sum at the disposal of the Department for an object so beneficent, and which is in such exact conformity to the principles of our Government, should be so limited; and especially now when experience has demonstrated the utility of the plan, and that success is attending it whenever it has been put in operation. It is a lamentable fact, that hundreds of Indian children are turned away, annually, from those nurseries of kindness, for want of ability on the part of the Superintendents to receive them. Numerous applications for assistance, and from the most respectable societies are now on file in this office, to which it has not been possible to return any other answer than that *the fund appropriated by the Congress is exhausted.*

It is respectfully, but earnestly recommended, that the sum be increased. The personal inspection which I have been able to make during the last Summer of some of the schools, that, for example, at Michilimackinac, and that near Buffalo, in the State of New York, on the Seneca Reserve, has confirmed all my previous convictions of the vast benefits which the Indian children are deriving from these establishments; and which go further, in my opinion, towards securing our borders from bloodshed, and keeping the peace among the Indians themselves, and attaching them to us, than would the physical force of our Army, if employed exclusively towards the accomplishment of those objects.

It is respectfully suggested whether, after the Indian children shall have passed through a course of instruction, and made capable thereby of taking care of themselves, some suitable provision of another kind ought not to be made for them. If, after they shall have acquired a knowledge of letters, and of the arts, they are thrown back into uneducated Indian settlements, is it not to be apprehended that the labor of instructing them, and the expense attending it, will be lost? To make the plan effective, therefore, and to follow out its humane designs, it is respectfully recommended that, as these youths are qualified to enter upon a course of civilized life, sections of land be given to them, and a suitable present to commence with, of agricultural or other implements suited to the occupations in which they may be disposed, respectively, to engage. They will then have become, an "intermediate link between our own citizens, and our wandering neighbors, softening the shades of each, and enjoying the confidence of both." For a further illustration of this subject, I beg leave respectfully to refer to the report of the Commissioners which accompanies the treaty recently concluded at the Fond du Lac Superior.

The number of schools, their location, and number of teachers to each, and the number of pupils, are all shewn in the accompanying

paper marked A. The reports from all of the schools are flattering, indeed, some of them remarkable, as indicating the extraordinary advances making by the children in all the branches of practical, and moral, and religious improvement.

In addition to the schools enumerated, there is one at Great Crossings, in Kentucky, at which are fifty-four children. This school was established by the Choctaws, and is supported out of their own resources, under the direction of the President of the United States. The Creeks, impressed with the important benefits of education, appropriated part of their means, arising out of the treaty of 22d April, 1826, for the education of some of their children at the same school. Thirty-five children have been added to the schools during the present year; and fifty-four received into the Choctaw Academy. Last year the number was 1159; and this year 1248, making an increase of 89.

Provision was made at the last session of Congress for holding treaties with certain Indian tribes on Lake Superior, and at Green Bay; in Indiana and Mississippi. Commissioners were duly appointed for holding these treaties, and treaties have been entered into accordingly with the Chippewas of Lake Superior, and with the Miamies and Pottawatomies of Indiana. For reasons which will appear in the report of the Commissioners who negotiated the treaty on Lake Superior, no Council was held at Green Bay. A treaty was held, by the Commissioners appointed for that object, in Indiana, which, together with the treaty of Fond du Lac Superior, and the proceedings under both I have the honor to enclose herewith. No returns have yet been received from the Commissioners appointed to negotiate with the Choctaws and Chickasaws of the State of Mississippi.

Measures have been duly taken to carry into effect the act of Congress of 20th May, 1826, making appropriations for defraying the expense of negotiating and carrying into effect certain Indian treaties; the act of the same date, to aid certain Indians of the Creek nation in their removal West of the Mississippi; the act making appropriation to carry into effect a treaty concluded between the United States and the Creek nation, and ratified 22d April, 1826; and an act for the relief of the Florida Indians. The treaty with the Creeks has been carried into effect; the condition money paid, and in the mode prescribed by the Congress, and the returns made by the Agent, to the Department.

Information having been received by the Department of the hostile dispositions of the Osages and Delawares towards each other, and that a war of extermination was likely to be waged between those tribes and their allies, your instructions were complied with, in addressing letters to the Agents of the Department to interfere, and by their counsels, put a stop, if possible, to the threatened tragedy. Letters received from General Clark of the 12th ultimo, accompanied by a treaty of peace between those tribes, and which I have the honor to submit herewith, shew that a war, so fatal in its effects as

that promised to be, has been, by the interference of that officer happily avoided.

The Commissioners appointed under the act of 3d March, 1825, to mark out a road from the Western Frontier of Missouri, to the Confines of New Mexico, having been by the first article of that act authorized to hold treaties with the intervening tribes of Indians, to obtain their consent to the making of said road, and the undisturbed use thereof to the citizens of the United States, and of the Mexican Republic, have reported no treaties subsequent to those made with the Osages and Kanzas, and which were ratified the 3d of May last.

An informal treaty was entered into between the late Peter Wilson, Sub-agent on the Missouri, and the Assiniboins; informal only because he had no power to make it. The provisions are proper, and as these Indians are sometimes troublesome, it is respectfully suggested whether due powers should not be conferred on the successor of Mr. Wilson, with instructions to make a treaty upon the same basis. I have the honor to enclose the treaty, together with the letter from General Clark, which accompanied it, to the Department.

To that part of your order which forms the basis of this report, which directs me to add such remarks as I may think proper in relation to the administration of the Indian Department, I beg leave respectfully to refer to an act which was reported by the Committee of Indian Affairs, of the House of Representatives at the last session as embracing, in my opinion, all that will be required to give promptitude and efficiency to this branch of our Government relations.

All which is respectfully submitted.

THO. L. McKENNEY.

L.

REPORT FROM THE PENSION OFFICE.

WAR DEPARTMENT,

Pension Office, Oct. 12, 1826.

SIR: In conformity with your order of the 3d instant, I have the honor to transmit herewith the statements marked A, B, and C, which will shew what sums have been sent to the agents during the year ending on the 4th of last month, the number of deaths reported during the same period, and the number of pensioners on the rolls of the several States and Territories. The number of pensioners added to the Revolutionary rolls for that time, is two hundred and forty-six; and the number added to the invalid list is forty-nine.

I have the honor to be,
Very respectfully,
Your obedient servant,
J. L. EDWARDS.

Hon. JAMES BARBOUR,
Secretary of War.

A.

A TABLE exhibiting the amount of Funds transmitted to the different Agencies of the United States, for the purpose of paying Pensioners, from the 4th of September, 1825, to the 4th September, 1826.

AGENCIES.	To pay Revolutionary Pensioners.	To pay Invalid and Half-pay Pensioners.	Total Amount.
A. Newhall, President Cumberland Bank, Portland, Maine, -	$114,547 47	$7,827 98	$122,375 45
James Shapley, President U. S. Branch Bank, Portsmouth, N. H.	81,469 78	13,704 71	95,174 49
Gardiner Greene, do do Boston, Mass. -	166,108 15	27,755 34	193,863 49
Enoch Parsons, do do Hartford, Con. -	82,087 20	12,698 50	94,785 70
Seth Wheaton, do do Providence, R. I. -	20.616 00	2,180 80	22,796 80
E. T. Englesby, President Bank of Burlington, Burlington, Vt.	105,994 73	12,837 22	118,831 95
Isaac Lawrence, do U. S. Branch Bank, New York, -	298,572 35	83,891 88	382,464 23
Thomas Woodruff, do Trenton Banking Company, Trenton, N. J. - - - - - -	44,073 60	4,151 85	48,225 45
Nicholas Biddle, President U. S. Bank, Philadelphia, - -	87,922 42	30,012 60	117,935 02
J. R. Black, President Branch Bank of the Farmers' Bank, New Castle, Del. - - - - - -	1,728 00	1,206 40	2,934 40
John Donnell, President U. S. Br. Bank, Baltimore, Md. -	19,506 04	17,839 02	37,345 06
Richard Anderson, do do Richmond. Va. -	66,078 71	17,307 63	83,386 34
John Huske, do do Fayetteville, N. C. -	24,436 96	5,448 73	29.885 69
Joseph Johnson, do do Charleston, S. C. -	12,155 39	1,677 60	13,832 99
John Cumming, do do Savannah, Geo. -	6,259 11	1,796 80	8,055 91
J. Harper, Cashier do Lexington, Ken. -	53,174 81	11,888 19	65,063 00

TABLE—Continued.

AGENCIES.	To pay Revolutionary Pensioners.	To pay Invalid and Half-pay Pensioners.	Total Amount.
Robert King, Pension Agent, Knoxville, East Tennessee, -	11,562 60	2,646 42	14,209 02
Thomas Crutcher, do Nashville, West Tennessee, -	12,116 07	8,102 18	20,218 25
James Reynolds, President U. S. Br. Bank, Cincinnati, Ohio,	60,711 70	13,345 94	74,057 64
John A. Fort, do do New Orleans, La.	894 73	2,407 05	3,301 78
Thomas Posey, Pension Agent, Corydon, Indiana, - -	12,574 72	4,462 61	17,037 33
Uriah G. Mitchell, do Cahawba, Alabama, -	1,887 07	2,007 62	3,894 69
Thomas Biddle, do St. Louis, Missouri, - -	1,344 00	3,909 36	5,253 36
Thomas Rowland, do Detroit, Michigan, - -	843 09	1,489 49	2,332 58
Henry Connar, do Vandalia, Illinois, - -	2,065 05	1,479 42	3,544 47
Gabriel Tichenor, do Natchez, Mississippi, -	1,096 25	680 00	1,776 25
Thomas Swann, President U. S. Br. Bk. Washington City, -	3,040 46	4,784 00	7,824 46
A. Brackenridge, do do Pittsburg, Penn.			
For paying Pensioners of his Agency residing in Pennsylvania,	6,006 00	1,320 03	7,326 03
For do do do in Ohio, -	7,748 00	817 20	8,565 20
	$1,306,620 46	$299,676 57	$1,606,297 03

WAR DEPARTMENT,
Pension Office, Oct. 12, 1826.

JAMES L. EDWARDS.

B.

ABSTRACT from the Reports of the several Pension Agents, showing the number of Pensioners whose deaths have come to their knowledge, in the year ending on the 4th of September, 1826.

AGENCIES.	Revolutionary Pensioners.	Invalid Pensioners.
Maine - - - -	35	1
New Hampshire - - -	22	8
Massachusetts - - -	126	6
Connecticut - - - -	33	10
Rhode Island - - -	16	2
Vermont - - - -	36	0
New York - - - -	96	17
New Jersey - - - -	5	1
Pennsylvania - - -	49	4
Delaware - - - -	6	1
Maryland - - - -	11	5
Virginia - - - -	25	1
North Carolina - - -	6	1
South Carolina - - -	3	0
Georgia - - - -	2	0
Kentucky - - - -	23	1
East Tennessee - - -	5	0
West Tennessee - - -	2	1
Ohio - - - -	62	4
Louisiana - - - -	0	0
Indiana - - - .	2	0
Illinois - - - -	0	0
Alabama - - - -	0	0
Missouri - - - -	0	0
Mississippi - - - -	1	1
Michigan - - - -	3	3
District of Columbia - -	0	0
Total - -	569	67

WAR DEPARTMENT,
Pension Office, October 12, 1826.
J. L. EDWARDS.

C.

A STATEMENT showing the number of Pensioners on the Rolls of the different States and Territories of the United States, on the 4th of September, 1826.

Names of the States and Territories.	Revolutionary Pensioners.	Invalid Pensioners.	Half pay Pensioners.	Total No. in each State.
Maine - - -	1,133	124	2	1,259
New Hampshire - -	803	188	1	992
Massachusetts - -	1,558	347	5	1,910
Rhode Island - -	206	20	-	226
Connecticut - - -	802	145	-	947
Vermont - - -	1,026	174	3	1,203
New York - - -	2,905	1,009	7	3,921
New Jersey - - -	420	54	1	475
Pennsylvania - -	910	388	10	1,308
Delaware - - -	14	13	-	27
Maryland - - -	188	250	2	440
Virginia - - -	643	223	3	869
North Carolina - -	249	79	1	329
South Carolina - -	120	22	-	142
Georgia - - -	62	22	-	84
Kentucky - - -	486	165	2	653
Tennessee - - -	242	136	2	380
Ohio - - -	672	175	5	852
Louisiana - - -	8	27	-	35
Indiana - - -	136	63	-	199
Mississippi - - -	10	7	-	17
Missouri - - -	13	49	-	62
Illinois - - -	23	22	1	46
Alabama - - -	22	26	-	48
Michigan - - -	6	21	-	27
Columbia - - -	28	56	-	84
Total - -	12,685	3,805	45	16,535

WAR DEPARTMENT,

Pension Office, October 12, 1826.

J. L. EDWARDS.

M.

REPORT FROM THE BOUNTY LAND OFFICE.

DEPARTMENT OF WAR,
Bounty Land Office, Nov. 23, 1826.

SIR: Agreeably to instructions, I herewith hand you the annual report of the business of this office for the year ending the 22d instant.

I have the honor to be,
With great respect, Sir,
Your most obedient servant,
WM. M. STEUART, *Clerk.*

The Hon. JAMES BARBOUR,
Secretary of War.

ABSTRACT of the number of Warrants issued for Military Bounty Lands, from the 23d November, 1825, to the 22d November, 1826, inclusive, for services rendered during the late war.

1st. Authorized by the act of December 24, 1811, and January 11, 1812, - - - -	142
2d. Authorized by the act of December, 10, 1814, -	2
Total, -	144

Whereof the first description 142 granted 160 acres each, amounting to - - - - -	22,720
Do. second do 2 do 320 acres each amounting to - - - - -	640
Acres -	23,360

At the termination of the year ending 30th Sept. 1825, there remained on file, suspended, awaiting further evidence - - - - - -	466
Claims since received, from the 1st October, 1825, to the 30th September, 1826 - - - -	509
Total, -	975

Whereof the number admitted, for which warrants issued		156
Ditto	previously satisfied - - -	91
Ditto	rejected, not entitled - - -	61
Ditto	returned for further evidence, &c. -	201
Ditto	remaining on file - - -	466
	Total -	975

The number of claims for "five years' Half Pay Pension," in lieu of Bounty Lands remaining on file at date of last report, were - - - - -	15
Subsequently called up and admitted - - -	1
	14
The number of "Canadian Volunteer" claims remaining the same as at last report - - - -	125
The number of Revolutionary Claims on file at date of last report, awaiting additional vouchers, were -	52
Claims received from the 1st October, 1825, to the 30th September, 1826, inclusive - - -	813
Total -	865

Disposed of as follows, viz:

Number of warrants issued - - -	45
Do. rejected, not being entitled - -	547
Do. admitted as being entitled, but awaiting additional documents, or authority to call and receipt for the warrants - - - - -	80
Do. suspended and still kept on file till known to what line of the Army they were attached - -	193
	865

To Colonels	1 of 500	acres each	- -	500
To Lieutenant Colonels	3 of 450	do	- -	1,350
To Majors	1 of 400	do	-	400
To Captains	7 of 300	do	- -	2,100
To Physicians	1 of 300	do	- -	300
To Lieutenants	10 of 200	do	- -	2,000
To Privates	22 of 100	do	- -	2,200
Total warrants	45		Total acres	8,850

The 59 Revolutionary Land Warrants, signed by Generals Knox and Dearborn, remain still on file, not having, as yet, been called for.

WAR DEPARTMENT,
Bounty Land Office, Nov. 23, 1826.
WM. M. STEUART, *Clerk.*

DOCUMENTS

FROM

THE NAVY DEPARTMENT,

THE POSTMASTER GENERAL,

AND

The Commissioner of the General Land Office.

ACCOMPANYING

THE PRESIDENT'S MESSAGE TO CONGRESS.

PART IV.

A

[Doc. No. 2.]

REPORT OF THE SECRETARY OF THE NAVY.

The following Report is respectfully submitted to the President of the United States by the Secretary of the Navy.

On the 2d January, 1813, the law, entitled "An act to increase the Navy of the United States," authorized the building of four ships to rate not less than 74 guns each, and six ships to rate 44 guns each.

On the 29th of April, 1816, the law, entitled "An act for the gradual increase of the Navy of the United States," was passed, and authorized the building of nine ships to rate not less than 74 guns each, and twelve ships to rate not less than 44 guns each, including within these numbers *one* 74 and *three* 44 gun ships, authorized by the preceding act. By these two laws, therefore, twelve ships of not less than 74 guns, and fifteen ships of not less than 44 guns were directed to be built.

Of the twelve 74's, seven have been launched, and five are in various stages of forwardness: of the fifteen 44's, one was burnt on the stocks in the Navy Yard at Washington, in the year 1814, and may be considered as replaced by the one lately purchased; four have been launched; seven are on the stocks; and the frames of the remaining three have been contracted for. See paper I, accompanying the report of the Navy Commissioners.

By the law of the 2d January, 1813, $2,500,000 were appropriated; by that of 29th April, 1816, and a subsequent law of 3d March, 1821, $8,000,000 were appropriated, to carry the objects of those laws into execution, amounting in all to $10,500,000. The appropriation of eight millions included a previous sum of $600,000 for "the purchase and supply of a stock of every description of timber required for ship-building and other Naval purposes." This appropriation expires with the present year. It was not founded on any specific estimate of the cost of building and equipping the number of vessels authorized, and is not sufficient to accomplish the object. What addition may be necessary, there are not competent means within the reach of the Department, at this time, to ascertain with accuracy. Nothing more, however, will be required during the next year, as there remain, of the former appropriations, about $800,000, which is more than can be usefully expended.

At the time of the passage of the law of 1816, there were three ships of the line—the Independence, Washington, and Franklin; four frigates of the 1st class—the Constitution, United States, Guerriere, and Java; and three of the 2d class—the Congress, Constellation, and Macedonian. These, added to the number authorized by the law before mentioned, and the frigate purchased in August last, under the authority of the law of 17th May, 1826, will give, when they are all completed,

12 ships of the line,
17 frigates of the 1st class, and
3 frigates of the 2d class; to which may be added the Fulton, which is at present used as a receiving ship at New York.

There are, also, in our Navy two ships of 24 guns each—the Cyane, captured in 1815, and the John Adams; and four sloops of 18 guns; to these were added, by the law of 3d March, 1825, ten sloops of war, to carry not less than 20 guns; making, when completed, 16 vessels of nearly the same class, and which may be ranked under the denomination of sloops of war. There are, also, 4 schooners of 12 guns, and three other vessels used as receiving ships.

In the report from this Department of the 2d December, 1825, it was stated that three of the sloops of war authorized by the act of the 3d March, 1825, would be completed within the year. Since that time those three have been finished, and are now at sea: one has been recently launched, will be immediately put in commission; the others are far advanced, and the whole would have been entirely completed if the contractors for certain portions of the materials had not produced disappointment, by failing to comply with their contracts within the times specified. They will all be launched during the next year, and may be ready for sea in six weeks after launching, if no difficulty should be experienced in procuring seamen. See paper I.

From this statement it will appear that the whole Naval force, authorized by law, consists of

12 ships of the line, (exclusive of two on Lake Ontario,)
17 frigates of the 1st class,
3 frigates of the 2d class,
16 sloops of war,
4 schooners of 12 guns, and 3 other vessels.

The whole of these, with the exception of three of the frigates, could be prepared for active service at sea, in a few months, should the situation and interests of the nation demand their employment. For their names and other particulars I refer to paper I, and Naval Register of 1827.

By the law of 9th March, 1814, the sum of $500,000 was appropriated "for the purpose of building, equipping, and putting into service, one or more floating batteries, adapted to attack, repel, or destroy, ships of the enemy which might approach the shores or enter the waters of the United States." This law was executed, in part, by the purchase of one steam engine, and the building of one vessel, the Fulton; in other respects it has been unexecuted, in consequence, it is presumed, of the peace which soon succeeded its enactment.

By the 3d section of the law for the gradual increase of the Navy, passed in April, 1816, the President was authorized to cause to be procured the steam engines, and all the imperishable materials necessary for building and equipping three steam batteries on the most approved plan, and best calculated for the defence of the ports and harbors of the United States. The frames of the three vessels have been procured; two of the engines, with all their appurtenances, and part of the third engine purchased.

The steam engines and vessels procured were of the best construction known at the time; it is probable that others, of more approved form, both for economy and power, might now be obtained.

This is a subject to which it is presumed legislative attention will, before long, be directed. By the law just referred to, it is manifest, that Congress, at the time of its passage, looked to this species of vessels as an efficient means of protection for our ports and harbors; and subsequent experience and improvements have justified the opinion.

The powerful agency of steam has been constantly yielding, both in point of economy and skill, to the improvements of the age; and there can now be little hazard in anticipating, that, at no very distant period, it will be employed in propelling a large number of the vessels used for the protection of the maritime frontiers of all countries—and in none can they be used with more advantage than in this. The peculiar formation of our coast, harbors, and estuaries, renders them an indispensable addition to the line of fortifications and defences which the nation is constructing with such prudent forecast.

A minute detail of the employments and services of our armed vessels at sea does not seem to be required. The year has presented few incidents which are uncommon, of deep interest, or requiring legislative action. It may be truly said of all our squadrons, that they have enjoyed good health, have faithfully performed the duties entrusted to them, doing credit to the skill and patriotism of our officers, and justifying the expense to which the nation is subjected in supporting them. Paper M furnishes a list of the vessels in commission, with their stations. It will be perceived that few changes have been made in the vessels employed in active service.

The frigate Brandywine and sloop of war Erie have returned from the Mediterranean: the former to relieve the frigate United States, the latter is in ordinary, and her place will, in a few days, be supplied by the new sloop of war Warren, Master Comm. L. Kearny.

The West India squadron has been diminished: 1st. By the sale of the brig Spark, she being so far decayed that it "was not for the interest of the United States to repair her." 2d. By placing the schooner Fox at Baltimore, as a receiving vessel; she was in such a state that she could not any longer be profitably employed as a cruising vessel; and, 3dly, The store ship Decoy has been sold, such arrangements having been made as rendered her no longer useful.

The Brazilian squadron remains the same as at the close of the last session of Congress, consisting of the Macedonian, Cyane, and Boston.

The Pacific squadron has not, in any respect, been changed, but the Brandywine and Vincennes are on their passage to relieve the Frigate United States and Sloop of War Peacock. It was the purpose of the Department to add to the relief squadron the sloop of war Lexington, but other employment became necessary for her, under the resolutions of Congress. That vessel has been employed in a cruise among the fisheries, and in the melancholy, yet grateful duty of removing the remains of Commodore Perry, and will now be sent, for a time, to the West Indies.

In obedience to the resolution of the House of Representatives of the 18th of May last, directing "that the Secretary of the Navy be instructed to "cause the remains of Commodore Oliver Hazard Perry "to be removed from the island of Trinidad, in a public vessel of the "United States, and to have the same conveyed to Newport, State of "Rhode Island," the Secretary of the Navy, as soon as a vessel could be commissioned for that purpose, and at as early a day as the safety of those employed would permit, despatched the sloop of war Lexington, under the command of Master Commandant William B. Shubrick, with such instructions as were supposed proper on an occasion so interesting to the national feeling, and with a letter from Mr. Vaughan, the British Minister in this country, to the Governor of Trinidad, to both of whom the thanks of the Department are due for the facilities afforded in accomplishing the object. Master Commandant Turner, who was with Commodore Perry at the moment of his death, and attended his funeral, was directed to accompany Master Commandant Shubrick. Information was also given to the relatives and friends of Commodore Perry, in Rhode Island, that they might be enabled to make suitable preparations for receiving and paying funeral honors to his remains. The Lexington sailed from New York on the 12th of October, and I am this moment apprized that she reached Newport on the 27th November. The instructions and correspondence of the Department on this subject, with the report of Master Commandant Shubrick, are annexed, marked N.

The squadron in the Mediterranean has remained under the command of Commodore Rodgers, and been actively and usefully employed in cultivating the friendship of the Powers bordering on that sea, and in affording protection to our commerce and interests. Some extracts from his correspondence, marked O, will explain the nature of the services of the squadron, and the manner in which they have been performed.

The presence of a respectable naval force in that quarter is demanded by our growing commerce, and by the continued, and perhaps increasing, dangers to which it is subjected by the present state of the contest between Greece and Turkey. Several of the vessels will return home in the course of the year, but their places will be supplied by others. Private letters just received prove that piracies of the worst kind are daily increasing, and that our force cannot safely be diminished.

The squadron in the Pacific has continued to be useful to the interests of the nation. The termination of active war between Spain and the South American Governments, bordering on that ocean, has relieved our commerce from some of the evils under which it suffered; but, the unsettled state of the Governments and People, with the mass of individuals who have been thrown out of employment on the land and the water, exposes it to others, which require the presence and active exertions of a competent naval force on the whole coast, from California to Cape Horn.

Commodore Jones, one of our most experienced and prudent officers, has been ordered to succeed Commodore Hull in the command of

the squadron, and, should the force already sent not be sufficient to protect our interests, an addition to it will be made, if practicable.

Our extensive interests in every part of the Pacific, and the difficulties which not unfrequently occur in the neighbourhood of many of the islands, render the occasional presence of a public force among them very important. It was the intention of the Department that Commodore Hull should, previous to his return, visit the Society and Sandwich Islands; look to the interests of our commerce there; acquire a better knowledge than is now possessed, both of its extent and necessities, and of the best means and mode of defending and promoting it. But his duties on the coast have forbidden him to be absent; he has, however, under the orders of the Department, despatched, at different times, the Dolphin and Peacock, to accomplish those objects as far as practicable. The report of their cruises has not yet reached the Department. See paper P.

Information was received of the war between Brazil and Buenos Ayres, soon after the Cyane sailed, in December last, which rendered an additional number of vessels there necessary. These were provided under the act of appropriation of 5th April, 1826, and the new sloop of war Boston, Master Commandant B. V. Hoffman, sailed on the 11th April; the frigate Macedonian, Commodore Biddle, on the 13th June.

The presence of this force, in that quarter, has been essentially useful, by the relief which it has afforded to our vessels and fellow-citizens in many cases, and by the impression which it has produced, that, if assailed, protection was at hand.

The Emperor of Brazil established a blockade of an extensive coast, resting solely upon principles which have been uniformly resisted by our Government; its operation has, to a great degree, been counteracted by the interposition of our officers, as will be seen by the accompanying correspondence, marked Q and R.

The view of our interests in the West Indies, so far as they are connected with the services of the Navy, is more gratifying than at any time during the last four years. The zeal, enterprise, and skill, of our officers, which received commendation in the last annual report, have continued to merit it; and it is satisfactory to add, that not one case of piracy, within the range of the cruizing grounds of our squadron, has been brought to the knowledge of the Department. The health of the officers and men has also received strict attention, and has been preserved to as great an extent as on any other station:—See paper S. Commodore Warrington has been invited to the Navy Board and Captain Ridgley appointed to succeed him.

The benefits resulting from the cruise of the schooner Porpoise over the fishing grounds at the Northward, during the last year, confirmed the propriety of sending a vessel, during the late fishing season, to perform a like service. Master Commandant Shubrick sailed in the Lexington for that purpose from New York on the 12th June, and returned on the 4th September; having in the mean time examined the greater part of the coasts and shores frequented by our fishermen.

His reports, a copy of some of which accompany this communication, show that much good has resulted from the attention of Government to this important interest of the nation; and that it will be well not to relax on this subject. More diversified and extensive benefits are not produced by the employment of any one of our public vessels. See paper T.

A law of 3d March, 1825, appropriated $100,000 for the establishment of a navy yard and depot on the coast of Florida. By the report from this Department, of 2d December, 1825, Congress was informed of the measures which had been taken to execute the law, and of the selection which had been made. Since that time the yard has been laid out, the wharves, buildings, &c. located, and the whole are satisfactorily progressing under the superintendence of the Commissioners of the Navy. There still remain unexpended about $60,000, which will be insufficient to complete the whole, as the erection of works in that portion of the Union is very expensive.

On the 10th day of May last a letter was directed by the Chairman of the Naval Committee of the House of Representatives to the Secretary of the Navy, inquiring "whether the arrangements made by the Department for executing the act of the 29th April, 1816, for the gradual increase of the navy, would be injuriously interfered with, if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the Government be authorized to purchase, in lieu of such frigate, for the naval service, a ship of equal or rather superior force, if the same can be procured for the United States on advantageous terms." This letter was received and answered on the 12th of that month. On the 17th May a law was passed, authorizing the President "to cause the building of one of the ships to be suspended, and to cause to be purchased a ship of not less than the smallest class authorized to be built."

In the execution of this law, the Secretary of the Navy, on the 29th of May, appointed Commodores Bainbridge, Chauncey, and Jones, to examine two vessels, then lying at New York, with as little delay as practicable, and furnish a full report of their state and qualities, with an estimate of their value. On the 21st of June they reported that they had examined the two ships, and thought the one called the Liberator the best adapted to the public service of the United States; that from her form and dimensions they should judge favorably of her qualities, and estimating her value at $233,570 97.

Controversies having arisen between the persons interested in the vessel, which were submitted to arbitration, some delay took place in making the purchase, but instructions were eventually given to the Navy Agent at New York, to lay the papers before the District Attorney, and obtain from him an opinion as to the right and power of the Arbitrators to transfer the title to the United States. In obedience to instructions, and with the approbatiion of all persons concerned and interested in it, he made the purchase for the sum estimated as the value, and the vessel is now at the Navy Yard in Brooklyn, N. Y. She is a valuable ship, calculated to perform much service, and will

be fitted for sea in a short time. The papers relating to the execution of this law will be found annexed, and marked U.

In compliance with the joint resolution of the 22d May, requesting the President to cause an examination and accurate survey to be made by a skilful Engineer of a site for a Dry Dock at the Navy Yard, at Portsmouth, N. H., Charlestown, Mass., Brooklyn, N. Y. and Gosport, Va. Loami Baldwin, Esq. was employed to make the necessary surveys and examinations. He has been diligently engaged in the work, and it is hoped that he will be able to make his report in a few days. As soon as it is received, it will be communicated, together with the instructions under which he acted, and the views of the Department on the subject.

In the Act making appropriations for the support of the Navy for the year 1826, there is an item of $10,000 for a survey of the harbors of Savannah and Brunswick, in Georgia, Beaufort, in S. Carolina, and Baltimore, in Maryland, "with a view to ascertain the practical facilities of those places for naval purposes." In the execution of this law, a survey was commenced, under the superintendence of Captain R. T. Spence, and after his unexpected and lamented death, was committed to Master Commandant Claxton, then upon the Baltimore station, with the aid of Lieut Sherburne, and other officers.

A report upon the subject, accompanied by a chart, has been made to the Department, but is not now communicated, because the surveys of the other places mentioned in the law have not been completed; and it is believed to be more correct to present the whole at one view.

The remaining surveys are progressing, under the superintendence of Lieut. R. F. Stockton, and will be finished with the least practicable delay, when they will be presented, with that of Baltimore.

The correspondence marked W will shew the situation of the African Agency and Slave Trade.

It was anticipated, at the commencement of the year, that a large number of Africans would be sent to the Agency, but a delay in the decision of the claim to a part of them, has hitherto prevented. This delay has occasioned a great expense to the United States, but no remedy is perceived. Brought to this country by no act of their own, there is no principle of justice on which they can either be made slaves by the Government, or turned loose among our fellow citizens to suffer. They must be carried somewhere out of the limits of the United States, and a more economical mode does not seem practicable.

On the 1st of January, 1826, a balance of $32,401 63 remained of the appropriation of $100,000, made in 1823, which was carried to the surplus fund; but a re-appropriation of $32,000 was made during the last session; of this sum $22,220 81 have been expended, leaving a balance at this time of only $9,779 19, which it is believed will not be sufficient to meet the existing and necessary claims upon the fund during the ensuing year. Another appropriation will therefore be required.

It is probable that, in a few weeks, the question respecting the Africans in Georgia will be determined, in which event there will be from 100 to 160 in that State, and about 15 from Louisiana, to be sent to the Agency, for whose reception provision has been made.

No vessel has been despatched to the coast of Africa for several months, until within a few days. It was the purpose of the Department to order the brig Spark on that service; but, upon her arrival from the West Indies, she was found too much out of repair, and consequently sold. The schooner Shark, Lieut. Otho Norris, left Norfolk about a week since, with orders to remain one or two months, as occasion may require, and afford such protection to the Agency as its situation shall demand. After performing this duty, the Shark will cruise a short time in the neighborhood of LaGuayra, and then resume her station in the West India Squadron.

In the report of the President at the commencement of the last session of Congress, and in other communications from the Department, several evils under which the Marine Corps and the Naval Service labored, and which could only be relieved by Legislative interference, were exhibited, in the hope that a remedy would be provided. It would be unnecessary, and perhaps improper, to renew the representations respecting them. Reference is made to the views and opinions heretofore expressed, and it is respectfully added that the Marine Corps and the Service still continue to feel, sensibly, the necessity of a remedy for some of the inconveniences there suggested.

A few subjects of importance are not mentioned in this report, because they must hereafter be presented to Congress, in answers to resolutions passed, and calls made, during the last session.

Paper X contains a list of the officers of the Navy and Marine Corps who have died since the 2d December, 1825.

Paper Y contains a list of resignations during the same period.

Papers Z contains estimates for the service of the Navy and Marine Corps for the year 1827.

Respectfully submitted.

SAMUEL L. SOUTHARD.

NAVY DEPARTMENT, *2d December*, 1826.

M.

List of Vessels of the United States' Navy in commission, their Commanders, and Stations.

IN THE MEDITERRANEAN.

North Carolina,	74	guns,	Commodore John Rodgers.
Constitution,	44	do.	Captain D. T. Patterson.
Ontario,	18	do.	Master Comd't J. B. Nicholson.
Warren,	18	do.	Master Comd't L. Kearney.
Porpoise,	12	do.	Lieut. Com'dng Benjamin Cooper.

IN THE WEST INDIES.

Constellation,	36	guns,	Commodore Charles G. Ridgely.
John Adams,	24	do.	Master Comd't J. Wilkinson.
Hornet,	18	do.	Master Comd't A. Claxton,
Grampus,	12	do.	Lieut. Com'dg W. K. Latimer.

IN THE BRAZILS.

Macedonian,	36	guns,	Commodore James Biddle.
Cyane,	24	do.	Captain Jesse D. Elliott.
Boston,	18	do.	Master Comd't B. V. Hoffman.

IN THE PACIFIC.

United States,	44	guns,	Commodore Isaac Hull.
Peacock,	18	do.	Master Comd't Thos. Ap Catesby Jones.
Dolphin,	12	do.	Lieut. Comd'g John Percival.
Brandywine,	44	do.	Commodore Jacob Jones, to relieve the frigate United States.
Vincennes,	18	do.	Master Comd't William B. Finch, to relieve the Peacock.

ON SPECIAL SERVICE.

Lexington,	18	guns,	Master Comd't William B. Shubrick.
Shark,	12	do.	Lieut. Comd'g Otho Norris.

N.

CORRESPONDENCE RESPECTING THE REMOVAL OF THE REMAINS OF COMMODORE OLIVER H. PERRY.

NAVY DEPARTMENT,

8th September, 1826.

SIR: As soon as the U. S. sloop Lexington, under your command, can be prepared for a cruise of two months, you will proceed to the island of Trinidad, to perform the duty prescribed by the resolution of the House of Representatives, of which I enclose a copy.

On your arrival at Port Spain, you will communicate to the proper authority in the Island the object of your Government in sending you, and request permission to remove the remains of Commodore Perry.

Having obtained the permission, you will receive them on board the Lexington, with your colors half mast, and a salute suited to the ran which Commodore Perry held in the Navy of the United Stat Your colors will remain half-mast so long as you continue in harbor.

His friends at Newport, R. I. have been apprized of your departure, and will be ready to receive the body.

On your arrival at that place you will again wear your colors half-mast, and when the body is taken from the vessel, fire another salute, and, with your officers and men, unite in such funeral services as may be performed by the citizens of that place; after which you will return to New York.

In selecting you for this deeply interesting duty, the Department relies with confidence on the exercise of your correct judgment and feelings, and expects that you will discharge it in a manner suited to the respect due to the memory of Commodore Perry—to the feelings of his friends—and to the national gratitude for his patriotic services, and the national pride in his pure fame.

I enclose to you extracts of a letter from an officer in the Navy, who was present at the burial of Commodore Perry, which may be useful to you.

I am, respectfully, &c.
SAMUEL L. SOUTHARD.

Captain WILLIAM B. SHUBRICK,
Commanding U. S. Sloop of War Lexington, New York.

NAVY DEPARTMENT,
17th October, 1826.

SIR: I beg the favor of you to have the enclosed letters delivered to the mother and widow of Commodore Perry. Their object is to announce to them the time when the resolution of the House of Representatives will probably be executed.

Captain Shubrick, in the Lexington, has sailed to Trinidad, and will probably arrive in Newport, with the remains, in about 40 or 50 days. He is commanded to deliver them to the friends of Commodore Perry, and to unite in the funeral services which may be performed by the citizens of that place. Will you do me the favor to give such information as may be proper and necessary on the subject.

I am, respectfully, &c.
SAMUEL L. SOUTHARD.

Hon. DUTEE J. PEARCE,
Newport, R. I.

NAVY DEPARTMENT,
17th October, 1826.

MADAM: The House of Representatives of the United States, on the 18th May last, passed a resolution, instructing the Secretary of the Navy to cause the remains of Commodore Oliver Hazard Perry

to be removed from the island of Trinidad, in a public vessel of the United States, and to have the same conveyed to Newport, State of Rhode Island.

The duty to be performed was of a character not to be unnecessarily postponed; and I have at the earliest moment in my power devoted the Lexington, commanded by Captain Shubrick, to its discharge.

He is directed to bring the remains to Newport, and deliver them to the friends of Commodore Perry, and will probably arrive there in forty or fifty days from this time.

I rely with confidence on the correct judgment and feelings of Captain Shubrick to discharge this service in a manner suited to its interesting character: and I rejoice that the remains will be received by those who will best know how to pay that respect which private affection and public gratitude demand.

I am, very respectfully, &c.
SAMUEL L. SOUTHARD.

Mrs. ELIZABETH PERRY,
Newport, R. I.

Captain Wm. B. Shubrick, to the Secretary of the Navy.

NEWPORT, *November* 27, 1826.

I have had the honor to announce to you my arrivat in this harbor with the remains of the late Commodore Perry.

My letter of the 13th ultimo informed you of my departure from New York.

I anchored in the Gulf of Paria, after a passage of seventeen days, on the evening of the 31st, and, on the first of November, got up to Port of Spain. On anchoring, I addressed a letter, (a copy of which accompanies this, marked A,) to the Governor, and, that evening, received the answer marked B. On the morning of the second, after exchanging salutes with the Fort, I waited on the Governor, who expressed his readiness to afford me every facility in the execution of my commission, and his wish to have the remains attended, on removal, with such military honors as I might think proper. As the Commodore had been interred in the most splendid manner, by the same Governor, I thought it most proper to decline any further parade, which I did in the most delicate manner. The Governor, however, caused a Car to be prepared especially for the purpose, and to be drawn from the cemetery to the wharf by his own carriage horses; his Secretary, and other members of his family, giving their personal attendance.

At the wharf, the remains were received by the boats, with a proportion of the officers and crew of this ship. During the time they were rowing off, I caused minute guns to be fired, half-masting the colors at the firing of the first gun.

The remains were received on board under a salute from the marine guard, the officers and men uncovered, and the music playing a dead march.

On the afternoon of the 3d, I addressed a letter (copy marked C,) to the Governor, and at 10 o'clock, on the morning of the 4th, the wind being favorable, I got under way, and made sail from the harbor, the Fort saluting me with 17 guns, which I returned with a like number.

I received from Captain Turner the most ready and important assistance in disinterring and getting on board the remains; and it is, in a manner, owing to his exertions that I was enabled to leave Trinidad in so short a time, which was very desirable, the rainy season not being over, and the place, consequently, sickly. My return passage has been longer than I expected, owing to frequent calms in the Caribbean Sea, and a succession of Northwest gales on the coast.

The Lexington having, for the last six months, been almost constantly at sea, and in every variety of climate, requires to be thoroughly overhauled before going on another cruise.

A.

Captain Shubrick, to Sir Ralph James Woodford, Governor and Commander in Chief of the Island of Trinidad.

UNITED STATES' SHIP LEXINGTON,
November 1, 1826.

I have the honor to make known to your Excellency the arrival, in the harbor of Port Spain, of the United States' ship Lexington, under my command.

Having been charged by my Government with the melancholy duty of conveying to his native country the remains of Commodore Perry, I have anchored in this harbor for that purpose; and I pray that your Excellency will enable me to carry into execution the views of my Government, by granting me permission to disinter, and take from the Island, the said remains.

I have the honor to forward, herewith, a letter for your Excellency, entrusted to my charge by His Majesty's Minister near the Government of the United States.

B.

Copy of a letter from Ralph Woodford, Governor of the Island of Trinidad, to Captain William B. Shubrick.

ST. ANNS, 2d *November*, 1826.

I have had the honor to receive your letter of the first instant, acquainting me of your arrival, in the United States' ship Lexington

for the purpose of receiving, and conveying to his native country, the remains of the late Commodore Perry.

In conceding the request, made in the name of your Government, I have to assure you of my readiness to afford every assistance to the object of your commission, that you may consider to depend upon me.

I have also to acknowledge the receipt of the letter of His Majesty's Minister at Washington, entrusted to your care, and to express the satisfaction it will afford me to receive you at my residence, during your stay in the Island.

C.

Captain William B. Shubrick to Governor Ralph James Woodford.

UNITED STATES' SHIP LEXINGTON,
November 3d, 1826.

Having received the remains of the late Commodore Perry on board, I am about to leave the harbor of Port Spain; and I avail myself of this occasion to express to your Excellency my sense of, and to tender my thanks for, your kind attentions, during my stay at the Island under your Excellency's government.

I shall take great pleasure in making known to my Government the generous facilities afforded me by your Excellency, in the execution of my melancholy commission.

O.

COPIES AND EXTRACTS FROM THE CORRESPONDENCE OF COMMODORE JOHN RODGERS.

Extract of Instructions from Commodore John Rodgers, to David Deacon, Esq. commanding United States' Sloop Erie, dated United States' Ship North Carolina, Port Mahon, 18*th February,* 1826.

"The United States' ship Erie, under your command, being ready for sea, I have to desire that you proceed with her to the Archipelago for the protection of our commerce in that sea, and particularly that to and from Smyrna, which is so important as to forbid its being neglected in the present state of the war subsisting between the Turks and Greeks, for a single day; the season of the year is rapidly approaching when danger is most to be apprehended from such small craft as have hitherto committed piracies among the Islands of the Archipelago, under the Greek flag.

On leaving this, in order to obtain such information as will enable you to afford the most effectual protection to our trade, you will pro-

ceed direct to Smyrna, where, on your arrival, I would recommend your consulting our Consul, Mr. Offley, by whose advice and information, you will be able to afford it the most ample and extensive protection.

In the performance of your duties, your own judgment will point out to you the necessity of abstaining yourself, and preventing in all others under your command, the commission of any act, which might tend, in the slightest degree, to compromit the neutrality of the United States.

Should it be found unsafe to permit vessels to leave Smyrna without convoy, you will afford it to such a distance West of the Island of Serigo, as to ensure their safety, returning again to Smyrna, as soon as the nature of the service you are on, and the information you may receive from any other quarter requiring your attention, will permit."

Extracts of a letter from Captain David Deacon, to Commodore John Rodgers, dated United States' Ship Erie, Smyrna, March 18, 1826.

"In compliance with your order, bearing date 18th February, 1826, I proceeded with this Ship for the Archipelago, and have great pleasure of informing you of my safe arrival, with all the American vessels I have met with at this anchorage.

On the 1st of March, fell in with, supplied with fuel, and took under convoy, the American brig Seaman, belonging to New York, bound to Smyrna.

On the 7th, fell in with, supplied with water, and took under convoy, the American brig Smyrna, bound to Smyrna.

The Greeks have retaliated on the Austrians, by capturing three of their vessels, said to be loaded with stores for the Turks; this happened a few days ago, at Milo; two Greek brigs boarded the convoy under two Austrian brigs; the Austrians told the Greeks, that if they persisted, they should fire into them; the Greeks answered, very well, they were ready to return it; the Austrians then called on a Dutch frigate for assistance, but the Dutchman declined interfering; in the meantime the Greeks carried the Austrian Merchantmen over to Napoli di Romania. I overhauled one of the Hydra cruisers in the Bay of Smyrna; he had boats out, capturing every thing Turkish; I observed to him the vessels astern were my convoy, and Americans; he said we were then good friends, and he would always treat them well."

Extract of a letter from Commodore John Rodgers, to the Secretary of the Navy, dated United States' Ship North Carolina, Gibraltar Bay, 13th May, 1826.

"The Erie, if her crew will not consent to re-enter for a longer term, and which I am led to think very doubtful, I shall be obliged to send

to the United States, the necessity of which I shall regret, particularly at this time, as the war between Greece and the Porte seems now to be drawing to a crisis; and unless Russia declares war against the latter, (as some think she will,) or England and the principal Continental Powers interpose as mediators between her and the Ottoman Government, (as others seem inclined to believe they will do,) the unfortunate Greeks will be obliged, it is thought, to have recourse to increased acts of piracy, and in this event, that the commission of such acts will not be, as heretofore, confined to small boats only.

Should such a change take place prior to my departure from the Archipelago (for which I shall depart to-morrow) as to render the presence of more than a sloop of war necessary, I shall leave the Constitution there, with the Ontario, until the affairs of Greece assume such a shape as to permit one or both of these vessels to be drawn from that quarter, without risk. It is confidently believed, if the Greeks lose Missolonghi, that they cannot maintain themselves in the Morea, and that, in such an event taking place, they will be obliged to seek refuge among the barren Islands of the Archipelago, where, to avoid starvation, a large portion of the population will necessarily be forced to turn pirates."

Copy of Instructions to Master Commandant John B. Nicolson, United States' Ship Ontario, from Commodore John Rodgers, dated U. S. Ship North Carolina, Harbor of Milo, 21st August, 1826.

In the present state of the war between the Porte and Greece, it has become absolutely necessary that one vessel of war, at least, should be kept in the Archipelago, for the protection of our commerce; and in consequence thereof, I am induced to assign to the Ontario, under your command, that duty.

In the performance of this service, you will have a delicate part to act. It will be expected of you to exercise much vigilance, and, at the same time, much discretion; for whilst, on the one hand, you will be required to afford to our merchant vessels trading in those seas the most ample protection the force under your command will admit of, it will be equally expected, that you abstain from meddling with the affairs of either of the parties at war; from giving to other nations (beyond what your duty requires in the suppression of piracy) the protection of our flag; and from intermingling its name, or identifying its character or our commercial interests, with those of any nation, in any way that might compromit ourselves, by affecting the neutral position we have hitherto sustained, and which it is the desire of our Government most earnestly still to maintain. You will keep me informed of your own proceedings, by every opportunity that offers, as well as of every-thing of a political nature that may transpire in this quarter, which you may think it desirable for me to be apprised of.

Mr. Offley, our Consul at Smyrna, with whom you will confer from time to time as to the mode most likely to insure to our commerce the necessary protection, will, on your requisitions, furnish such few stores and provisions as you may stand in need of, to pay for which, and to meet the other necessary disbursements of the ship, I have furnished your Purser with bills on London, to the amount of £1,000 sterling—calculated to produce about $5,000—and $4,000 loaned him by my authority, by the Purser of this ship, together making about $9,000, exclusive of the funds previously remaining in his hands. When there are no American vessels at Smyrna requiring convoy, you will do well by spending a portion of your time at Milo, and occasionally running out as far as Cape St. Angelo and Cerigo, to meet and afford protection to such as may be bound to Smyrna. Until the warm weather is over, I would advise your not remaining at Smyrna for any length of time.

Copy of a Letter from Commodore John Rodgers to the Hon. the Secretary of the Navy, dated United States' Ship North Carolina, Port Mahon, 11th September, 1826.

My letters of the 25th and 28th June last, from Smyrna, by the brig General Bolivar, bound to Boston, will have made you acquainted with the movements and proceedings of the squadron, up to that time, and this, together with the accompanying communication, dated at Vourla, the 18th of July, (marked A,) but which I have had no opportunity of sending until now, will put you in possession of its movements and employment, subsequently to that date. On the 22d of July, three days after my return to Vourla, from an excursion to the Dardanelles, with this ship, the Constitution, Ontario, and Porpoise, (for the particulars of which, permit me to refer you to the accompanying letter of the 18th of July,) the Erie joined me, having been employed, during her separation from the other vessels of the squadron, in convoying the brig General Bolivar clear of the Islands. On the 10th of last month, finding the term of service of the crew of the Erie was about to expire, I despatched her under orders to communicate with the consulates of Tripoli and Algiers, and to proceed from the latter place to Mahon, there to replenish her provisions and water, and wait my arrival for orders to return to the United States. On the 11th, the day after the departure of the Erie, I sailed with this ship, the Constitution, Ontario, and Porpoise, for the Island of Milo, and taking a circuitous route, by Mytilene, Scio, Negropont, and Cape Colonna, arrived and anchored at Milo, on the 15th, at which, as the communication between the Morea and it is more frequent than with any other Island in the Archipelago, I continued until the 21st ultimo, for the purpose of obtaining the most correct and latest information possible, in regard to the actual situation of Greece, before my final departure from that sea. The day I left Milo, after getting

to sea, I parted company with the Ontario, which vessel I have stationed in the Archipelago, with instructions to her commander, of which the enclosed is a copy, marked B, to protect our commerce in that quarter. On leaving the Archipelago, I shaped a course for Malta, having directed Mr. Henry, our Consul at Gibraltar, to send all letters for the squadron, that might come to his hands, in time to reach that place by the first of September. On arriving off Malta, which was on the 29th ultimo, I sent a boat in to communicate with Mr. Pulis, our Consul, and bring off any letters which might have reached him.

I now learnt from him that the mail of the August Packet, which usually arrives between the 25th and 31st of the month, was still due, and thinking it probable that Mr. Henry might have received letters from the Department for me, during my absence, and have forwarded them by the packet, I made sail for Mahon, accompanied by the Constitution, leaving the Porpoise to wait the arrival of the Packet, until the 8th instant, to bring such letters as might have been forwarded by her from Gibraltar.

I reached this port yesterday, in company with the Constitution, where I found the Erie, she having arrived here six days before.

The enclosed copies of Captain Deacon's letter, and the letters of Mr. Shaler, and Mr. Morillo, Nos. 1, 2, 3, (the latter left by Mr. Anderson in charge of the affairs of the American consulate at Tripoli) will show the peaceable footing on which we stand with those two regencies.

The Erie is now replenishing her water and provisions, and as soon as she is ready for sea I shall despatch her for New York, to receive your orders for the discharge of her crew.

She is a fine ship, and will require but little expense to equip again for sea, and as the services of more than one vessel of her class will be necessary for the protection of our trade in the Archipelago, so long as that sea continues infested, as it now is, by pirates, I hope you may find it soon convenient to send her, or some other sloop, to supply her place on this station.

No robberies have as yet been committed upon any American vessels, since the first appearance of the squadron in the Archipelago, notwithstanding those of every other nation have suffered more or less; even the English and French, of late, have had several vessels plundered, and some of very valuable cargoes, notwithstanding the former has six or seven vessels of war, and the latter nine or ten in that sea.

The Austrians, although they keep as many as ten or twelve sail constantly at Smyrna and among the islands, have had upwards of fifty vessels plundered during the last six months; in one or two instances the crew of the vessel has been murdered.

After despatching the Erie for the United States, I shall leave here (on the arrival of the Porpoise from Malta) for Gibraltar, to supply the Pursers of the several vessels with the necessary sums of money, on account of pay for the next six months, and to purchase such few articles of stores as are not sent from the United States.

The officers and crews of the vessels of the squadron have been peculiarly healthy, during the past Summer, there not having been a single death among the officers, and only four, out of upwards of 1,800 men, since we left Gibraltar.

Copy of a letter of Wm. Shaler, Esq. enclosing extract from Journal of Consulate at Algiers, to Commodore John Rodgers, commanding U. S. Naval Forces in the Mediterranean.

ALGIERS, 30*th August*, 1826.

I had the honor to receive your letter of the 10th inst. by Captain Deacon. I herewith, enclosed, send you a transcript of the journal of this consulate, which contains every thing of any moment, since your departure from Algiers. I also send, by Captain Deacon, a copy of a book, which I lately published in the United States, on this country, which please to accept as a mark of my friendly consideration.

Extract from the Journal kept in the Consulate of the United States in Algiers, from the 1*st to the* 25*th inclusive, of August,* 1826.

August 3*d*. Sailed the Algerine squadron on a cruize, consisting of five schooners of 22, 14 and 6 guns. It is believed they are destined against Spanish commerce.

August 18. Arrived this morning an Algerine cruizer, accompanied by a large ship, supposed to be her prize. The Dutch Consul was early informed that this vessel was of his nation, and at 9 o'clock he visited the minister of marine and conversed with the captain of the ship. He informed the Consul, that this vessel, measuring 500 tons, belonged to Curacoa, was owned by himself, a citizen of that island, and that her cargo was principally American; that she had sailed from Curacoa to Campeachy in Mexico, where she was laden with Campeachy wood, her present cargo, and was bound for Marseilles: and that when, within 60 miles of that port, was captured by the Algerine squadron, because she was not provided with a Mediterranean pass. The minister remarked to the Consul, that, according to the ancient usages of Algiers, a vessel found navigating the Mediterranean, without this passport, was liable to confiscation. The Consul replied, that the absence of this passport might be reason for bringing in a friendly vessel for examination, but furnished no right to condemn. He had examined the ship's papers, had found her to be the property of a Dutch citizen, and he therefore formally demanded restitution.

The minister deferred his decision.

August 19th. All the drogomans were called to the marine and directed to invite their respective Consuls to a Divan, to be held to-morrow, to decide upon the legality of the prize, and to be composed of the Raises, or Captains of the Algerine Navy and the *Corps Consulaire.*

August 20th. At 11 o'clock this morning, the Consular corps assembled at the Marine, where were also present the Algerine Captains. The minister, addressing the Dutch Consul, said the subject of the prize ship would now be discussed.

The Consul premised, by formally declaring that the legality of a Dutch prize, was a question, which in nowise affected the Representatives of other Powers, and to a decision of which, they were not competent. But, denying their jurisdiction, the Consul did not object to the expression of their opinions, as to the nationalty of the vessel. Her papers being found to be in the usual form, the Consul formally demanded restitution. The treaty of Holland with the Regency was then read, which stipulates, that in such cases as the present, *the vessel should be liberated, but the cargo confiscated.* This brought the cargo into discussion, a part of which appeared to be the property of citizens of the United States. The U. S. Consul made a like preliminary declaration as the Dutch Consul of the incompetency of the Divan, to judge a case between the Regency and the U. States.

The bills of lading having been examined, the larger part of the cargo was found to have been shipped on account of merchants in Boston. This the Consul formally claimed as American property. For the lesser part of the cargo, he made no demands, as the evidence of its being American property was not sufficient, but said, that he would write for information, and if proved to be such, he would claim of the Regency.

To the demand of the Consul upon the larger part of the cargo, the minister made two objections: 1st. Informality; as the bill of lading did not declare the owners to be *citizens* of the United States. 2d. Insufficiency: because this paper did not prove the property to be American. The cargo must therefore be detained, till it could be verified by more abundant proof.

To the first objection the Consul replied, that it was not usual or necessary to identify the owners citizenship: that in the present case being merchants of Boston, they were protected by our laws. To the second, he answered, that commercial usages; knew of no other proofs of property laden on vessels; that no greater was now required or would be sought. He therefore demanded the restitution of that part of the cargo, as being absolutely American property. The minister rejoined, we have suspicions of its being Spanish property; if you are assured of its American ownership, give us your personal responsibility for it, if, eventually, it should be ascertained to be Spanish; otherwise the cargo must be confiscated. The Consul declined this proposition, peremptorily. He could not consent to personal responsibility for what he was bound to protect from official duty, but was willing to give his receipt for the property, which by the bill of lading appeared to be bona fide American.

This being refused, he warned the minister not to confiscate this part of the cargo, as it would become his duty to claim it with damages. The minister then requested the Danish Consul to pronounce the confiscation of the property. It was accordingly declared. The Consul at a late hour despatched his Drogoman to the Palace, to demand an audience of the Dey, which was granted, with the request of his highness, that it should be held the same evening.

The Consul, accompanied by the Secretary of the Consulate, repaired to the Palace at 4 o'clock, P. M. The Consul addressing the Dey, said, he was doubtless well informed of all the circumstances connected with the prize ship, lately brought to this port, and of the grounds upon which a part of her cargo was claimed as American. His highness replied, that the only difficulty presented to the restitution of the American part of the cargo, was the insufficiency of proof to verify it; that he well knew the stipulations of the late treaty of Algiers with the United States, for he was not, as other Deys, unable to read, and would most scrupulously observe them. If the most precious cargo of the Indies were brought here, and proved to be American, it should be esteemed sacred, and immediately restored. But in the present case, there exist suspicions of the truth of the bill of lading, and which of itself is not sufficient evidence of ownership. To assure ourselves, we require of you, as an act of official duty, to give us your personal obligation, to answer our demands, if the cargo be ultimately proved not to be American,

To the arguments and demands of his Highness, the Consul replied, that no property floating on the seas was accompanied by other, or more explicit papers, than was the cargo in question; it was fully identified as American, and, as such, he claimed it.

The present controversy of the Regency with Spain, created no right to vex the property of friends, under pretext of searching for that of the enemy. Whatever suspicions His Highness might entertain of the ownership, it was not for the Consul to remove them, but by declaring the proof to be legal and regular.

The demand of His Highness for the personal guaranty of the Consul, was inconsistent with the nature and dignity of his office. If the property were detained, it would become his duty to report to his Government, and to the United States' Naval Commander in the Mediterranean, when he would be required to claim it with damages. After some further conversation, in which the Dey expressed the elevated sentiments of a just and magnanimous Prince, he agreed to liberate the property named, and accept the receipt which was this morning proposed to the Minister of Marine.

August 21st.—The Minister determined this morning to unload the ship in search of any articles, not expressed in the manifest. He had actually taken off one lighter load, when, upon the representation of the Dutch Consul, he was satisfied to receive the Captain's declarations to the truth of his manifest.

The vessel and cargo being liberated, they will sail on the 24th instant.

Copy of the receipt given by the Consul to the Minister of Marine:

I, William Shaler, Consul General of the United States in Algiers, declare, that a portion of the cargo of the Dutch vessel the Curacoa, captured and brought into this port by cruizers of the Regency, which, according to the bill of lading copied below, appears to be bona fide the property of American citizens, has, by order of His Highness the Bashaw, been delivered over to me, in conformity with the 6th article of the Treaty subsisting between the United States and Algiers.

Bill of Lading.

Shipped. in good order, and well conditioned. by John L. McGregor, per order of Cushing Stetson, on board the Dutch ship called the Curacoa, whereof Cushing Stetson is master, now lying in the port of Campeachy, and bound for Gibraltar, and a market, to say: Six thousand seven hundred and twenty pounds Logwood, for account of Messrs. William Thomson & Co. and Z. G. Lamsen, Merchants, Boston, being marked and numbered as in the margin, and are to be delivered in like good order and condition, at the port of discharge, (the dangers of the sea excepted,) unto order, or assigns, he, or they, paying freight for the said logwood, with primage and average accustomed. In witness whereof, the master or purser of the said vessel hath affirmed to twelve bills of lading, all of this tenor and date, one of which being accomplished, the others to remain void. Dated in Campeachy, the 18th of May, 1826. Weight not accountable; all on board to be delivered.

CUSHING STETSON.

Endorsement.

Campeachy, May 17th, 1826.—The within logwood is to be held subject to the order of Messrs. Henry & McCall, Merchants, Gibraltar, until payment be made of two thousand nine hundred and five dollars and eighteen and three-fourths cents, being amount advanced by John L. McGregor on said logwood.

CUSHING STETSON.

JOHN L. MCGREGOR.

In testimony of which, I have hereunto affixed my hand and seal of office, in the city of Algiers, this 23d day of August, 1826.

WILLIAM SHALER.

Copy of a letter from J. Morillo, Esq. Chargé d'Affaires of the United States' Consulate, to Captain Deacon, United States' Ship Erie, dated

TRIPOLI, 18*th August*, 1826.

I have received your communication of yesterday's date, requesting to know the actual state of our political relations with this Regency.

In answer to which, I have the pleasure to assure you that our interests continue in the most favorable state with the Bashaw and his Government. His highness has at all times shewn the most friendly disposition towards the United States, as well as to me individually, and to every one connected with the Consulate.

P.

COPIES AND EXTRACTS FROM THE CORRESPONDENCE OF COMMODORE ISAAC HULL.

Extract of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated U. S. Frigate United States, Chorrillos, Peru, December 21st, 1825.

"The Dolphin having been despatched on a long cruise to the Mulgrave Islands, and the Peacock having been constantly on service, and it appearing to me of the first importance that the commerce and citizens of the United States should not be left without proper protection, whilst our ships are compelled to discharge their valuable cargoes in an open roadstead, such as Chorrillos, where they are exposed to many difficulties from the heavy swell that is constantly setting in, and scarcely a day passes, but some of the ships require assistance of some kind.

For the last eight or ten months, there have been constantly in the Bay of Chorillos, from ten to thirty valuable American merchant ships, with valuable cargoes, lying in a situation where they had no protection from the shore, as there is not a gun mounted in the place.

Situated as our commerce has been on this station, and it having been generally believed, that a Spanish force would be sent out to relieve the garrison at Callao, and in the event of which, our ships would be still more exposed, I hope you will consider sufficient reasons for my remaining here, and not having left the station for the purpose directed in your letter.

The moment the Castles of Callao are given up, and our ships can lie in safety in the Bay, I shall lose no time in visiting Chili, for the purpose of executing your instructions, or, before, if it can be done consistent with the public interest."

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated U. S. Frigate United States, Callao Bay, December 30th, 1825.

"Our commerce is very much exposed, and would be more so, in the event of an attempt being made by the Spanish Government to relieve the garrison at Callao, by sending out a force for that purpose; nor should I consider it proper to leave the coast, at the moment the English and French are increasing their forces. The French have

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now, eight sail of ships of war at Valparaiso, consisting of frigates, sloops of war, and schooners. The British have one line of battle ship, and several frigates and sloops of war, in all, six or eight sail, and neither England or France have as many merchant ships on the coast as we have: under all these circumstances, my present intention is to send the Peacock to the Sandwich Islands. Captain Jones is an excellent and humane man, and an intelligent officer; and, I am sure, will do all that can be required of him.

In the event of his going, I shall furnish him with a copy of your letter, and call his particular attention to your wishes.

The Peacock is now at Valparaiso—by the time she returns, and the Dolphin joins me, some changes may take place, that will allow this ship to leave the coast without injury to the service.

General La Mar arrived last evening from Guayaquil, to take the command of Lima—he is said to be an excellent man, and much good is anticipated from his government. I had the pleasure of landing him and his family with my boats; and, I have great pleasure in saying, that I am on the best terms, not only with the officers of Government here, but with the commanders of the foreign ships that are on this station—they invariably treat our officers with attention and great respect. As yet, not the slightest unpleasant occurrence has taken place, between our officers and those of other ships of war."

Copy of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated U. S. Frigate United States, Callao Bay, December 31st, 1825.

"I have the honor to forward herewith, a copy of the boarding book of this ship, which will shew, in an imperfect manner, the number and description of vessels that have been boarded.

Soon after I arrived in this sea, I endeavored to get at, not only the number and description of vessels arriving at the different ports, but the amount of their cargoes, and every particular relating to them, agreeably to the form of the boarding book, but I found it impracticable; for, the captains and supercargoes would not give the information required—indeed, many of them took offence, on being asked many of the questions by the boarding officer, and wanted to know what business I had to inquire about the cost of their cargoes; and, it frequently happened, that they would not inform the officer what the cargo consisted of; indeed, very few of them would give the information asked.

The list, however, imperfect as it is, will give you some idea of the extent of our commerce on this coast; and, I have to regret, that it has notbeen in my power to furnish you with a more correct view of it."

Copy of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated United States' frigate United States, Callao Bay, December 31st, 1825.

"I have had the honor to receive your two letters of 24th May last, relative to the state of affairs on this coast, and expressing a hope, that, from the changes that have taken place since I arrived in this sea, I should be enabled to leave the coast for the purpose of visiting the neighborhood of the Sandwich and Friendly Islands, and return by the way of the coast of California and Mexico.

I regret to state, that the changes, though great, that have taken place, are not such as, at the time you wrote, might have been supposed; as, in consequence of the holding out of the Castles of Callao, contrary to the expectations of every one, and directly contrary to the Articles of Capitulation, the situation of our commerce has not received all the benefit that we had reason to hope and believe it would, when we were first made acquainted with the surrender of the Spanish Army, and the articles of capitulation that followed, as it was confidently believed that the Castles of Callao would be given up, and that our ships would immediately have the benefit of the fine Bay of Callao, and the protection of the Castles, when in the possession of the Patriots, and that, within a very few months, there would be a settled and permanent Government in Peru.

In consequence, however, of the obstinacy of General Rodil, in holding the Castles of Callao, our ships have been driven from the Bay, and have been compelled to discharge their cargoes in an open roadstead at Chorrillos, for the last twelve months, where there is constantly a heavy swell setting in, which causes them to roll very heavy, and frequently for several days in succession boats cannot land without great danger; many boats have been stove by the violence of the surf, and many lives have been lost; and in many instances great damage has been done to the cargoes when landing, and in transporting the goods to Lima; nor have the changes in the affairs of the Government of Peru been such as was anticipated, indeed it can hardly be called a Government. General Bolivar has been called to the interior, and has been absent many months, and little has been done by those left in charge of the Government to establish a permanent and regular form for one; little has been done but to keep up a close siege and blockade of Callao, which has been done at an immense expense and has caused the Patriots to keep up a large force before Callao, and in the neighborhood of Lima.

The Congress is soon to meet at Lima, and General Le Mar arrived the day before yesterday to take the command, it is believed, civil and military, and it is believed much good will result from the changes that are about to take place.

Such has been the state of affairs for the last six months, I have considered it proper to remain at Chorrillos for the protection of our merchant ships, to give them such aid as they might require, in the event of the surrender of the Castles, which has been expected from day to day for the last ten or eleven months.

Should the situation of affairs in Peru and Chili remain as they now are, and have been for many months past, I shall deem it improper for this ship to leave the coast to visit the Islands as directed, and as I have, in part, anticipated your wishes by sending the Dolphin the precise route pointed out by you, my present intention is, to wait her return, as she may be expected in about six weeks or two months, and ascertain the result of her cruise, and immediately despatch the Peacock or this ship in furtherance of your orders of the 24th; much however will depend on the state of Peru and Chili, and the report of the Dolphin on her return, which vessel goes, this ship or the Peacock; and I most earnestly hope, that, in using my best judgment and discretion, I shall decide in a way that will meet your approbation."

Copy of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated United States' Frigate United States, Callao Bay, January 24th, 1826.

"I have the honor herewith to forward the Articles of Capitulation of the Castles of Callao, which have this moment been furnished to me by the politeness of Sir Murray Maxwell, commander of the Briton, now at anchor under the Castles.

My officers that landed at Callao, represent the town as being in a most deplorable state; many houses are entirely destroyed, and the Patriots are now burying the dead from their dwellings, where they have perished for want of food; some of them appear to have been dead many days.

The Peacock is now in sight, standing for this Bay, and I hope she will arrive in time for me to forward any letters or news, that Captain Jones may have from Valparaiso.

The merchant ships are all at Chorrillos, and will remain there until the town of Callao is in a state to open a communication with the shipping and Lima. I shall send the Peacock to Chorrillos, to give our ships such aid as they may require in coming to this Bay. They will all be down in three or four days."

Extract of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated United States' Frigate United States, Callao Bay, January 21st, 1826.

"As the war is now at an end on this side of Cape Horn, and as, in all probability, the Spanish Government will despair of ever getting a foot-hold, either in Chili or Peru again, I respectfully submit to you my opinion, as to the force that appears to me best calculated to give protection to our commerce on this coast, in a state of peace, or until regular Governments are established in Chili and Peru; for, until regular Governments are established, it appears to me absolutely neces-

sary that we should have a naval force in this sea, as, in all probability, the Governments of Chili and Peru will now lay up their ships of war and discharge their crews; and as there will be no employment for them, and as the service they have been employed in for years past has been such as to give them the worst habits, and the most of them, officers as well as men, totally devoid of principle, I have no doubt but they will resort to plunder and piracy for a living, unless a force is kept on the coast to prevent it. I should, therefore, recommend one or two large sloops, and one schooner on the coasts of Chili and Peru, and two schooners to the Northward; one of them stationed on the coast of Mexico, and the other still further North. These vessels to be kept constantly moving up and down the coast, by which means our commerce would be protected, and our merchants would have a constant and safe communication with the United States, by way of Panama, and the commanding officer on the station would receive intelligence from home, by that route, much sooner than by Cape Horn.

Our commerce is daily increasing on the whole coast, and particularly by the way of Panama to Guayaquil, and along the coast to the Northward; and heretofore, the state of this part of the trade has been such, and our force so limited, that a vessel could not be spared to give protection to our commerce on that coast, although frequent applications have been made by the merchants for a vessel to be sent there."

Extract of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated United States' Frigate United States, Coquimbo, March 28th, 1826.

"I am convinced that our commerce has been heretofore, and will be for many months, more exposed on the coast of Peru, than at Valparaiso, or on the coast of Chili. I remained at Valparaiso twenty-six days, which enabled me to accomplish the object of my visit there; and as there was no necessity for my remaining there longer, every thing as relates to our commerce being quiet where this ship would be of use. I sailed for this port on my way to Lima, intending to call in at all the intermediate ports between here and that place, where our merchant ships visit."

Extract of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated U. S. Frigate United States, Callao Bay, Peru, April 25th, 1826.

"I have the honor to report to you my return to this port, after an absence of nearly three months. I remained four weeks at Valparaiso, touched for a few days at the intermediate ports, (Coquimbo, Huasco, Arica and Quilca.) The three last mentioned places I never before

had it in my power to visit, they are each much frequented by our merchant vessels, and I was happy to find that our countrymen were there treated with respect.

I received every mark of civility from the authorities of the Government at each place, and having visited them in this ship, will I think have a favorable effect."

Extract of a letter from Commodore Isaac Hull, to the Secretary of the Navy, dated U. S. Frigate United States, Callao Bay, May 26th, 1826.

"As this vessel sails immediately, I have only a moment to inform you that the officers and crews of this ship and the Peacock are in good health, and that nothing of recent date has taken place to interrupt our commerce on this side of the Cape. We have now a large number of valuable ships on this coast, with valuable cargoes, and I am sorry to say they have come to a bad market, and must suffer great loss.

The Peacock is under orders to proceed in execution of that part of your instructions directing me to go with this ship, or despatch one of the vessels under my command, to the Sandwich and other Islands in the Pacific Ocean, for the protection of our commerce. Captain Jones is directed to run down the coast as far as Paita, for the purpose of laying in stock and other articles, for his crew, which are absolutely necessary and cannot be purchased here; from Paita he will proceed direct to the Marquesas, and remain there as long as, in his judgment, is necessary; and from the Marquesas he is directed to visit Otaheite and such other of the Society Islands as to him may appear necessary in furtherance of the object of his cruise; he is then to visit the Sandwich Islands, and after remaining there as long as may be necessary to accomplish the object of his visit, he is to use his discretion as to going to the coasts of California and Mexico. Should he arrive at the Sandwich Islands in time to visit the coasts of California and Mexico before the term of service of his crew shall have expired, and his ship in every other way in a condition to perform the cruise, he is ordered to do so; but, should there be any uneasiness among his crew on account of their times being out, or any other circumstance that, in his opinion, the good of the service requires it, he is to return to this port from the Sandwich Islands, touching in at the ports to the Northward on the coast of Peru, to give protection to our ships that are daily leaving here for ports to the Northward.

The Peacock has a healthy and fine crew, and no pains have been spared to fit her in the best possible manner for the cruise she is to perform."

Q.

COPIES AND EXTRACTS FROM THE CORRESPONDENCE OF CAPT. JESSE D. ELLIOTT.

Capt. J. D. Elliott to the Secretary of the Navy.

UNITED STATES' SHIP CYANE,
Rio de Janeiro, March 18, 1826.

"On the 15th inst. I had the honor to address you, and now to say that I am supplied with provisions and water; that in the morning I shall depart hence for the La Plata.

By the same vessel which conveys this letter, the State Department will be apprised of the protest entered by both of our Representatives at the courts of Buenos Ayres and of Brazil, against the legality of the blockade proclaimed of the whole extent of the coast of Buenos Ayres, and of that of the Banda Oriental, by Admiral Lobo, of the navy of His Imperial Majesty the Emperor of Brazil.

Here I am called upon to adopt a course in relation to this proclamation entirely new and novel, but which, I hope, in the end, will prove satisfactory to the Government and the nation. The present force employed in the blockade is extended to nearly thirty vessels, and an additional one of three frigates is now preparing to relieve and to reinforce that already at the La Plata. A schooner has just entered this port from Monte Video, and brings the information, that, in order to enforce more fully the blockade, all vessels warned off are obliged to enter into bonds at Monte Video, to an amount equal to the value of both vessel and cargo, that they will not repeat the attempt to re-enter the river. It is here said the English vessels of war resist this measure, and that the English Consul at Monte Video has protested in toto against the blockade; but how far this is correct I am not prepared to say. I have had a full and a free intercourse with Mr. Raguet, as you will perceive by the correspondence enclosed. With the laws of nations before me, and with the constant and steady grounds taken and maintained by the various administrations of our Government in relation to this subject, I shall deport towards the squadron as becomes both the interests of the navy of the nation, and of its commerce."

Extract of a letter from Woodbridge Odlin, Esq. to J. D. Elliott, Esq. Commander of the United States' ship Cyane, dated St. Salvador, 4th March, 1826.

"The slave trade appears to be carried on with little interruption by the Brazilians, and a large portion of said negroes are, as I understand, taken in to the North of the line. I have never been able to ascertain that any citizens of the United States have, directly or indirectly, any interest whatever in said Slave Trade. I am well acquainted with the concerns of those Americans who live here, and do not believe they have any interest in said trade.

The greater part of the vessels employed in said Slave Trade, at and from this port, are built in the United States, are regularly sold here. and the crews discharged; and, to the best of my knowledge, return to the United States. Some few, who frequently desert, I cannot tell where they proceed, as they do not often call on me. It is common for American vessels to take freight and proceed to Africa from this port, and commonly return in ballast. At present I do not think of any other information to make known; should I obtain any, I will with pleasure give you notice of it."

UNITED STATES' SHIP CYANE,
Rio de Janeiro, March 14, 1826.

SIR: The Government of the United States has assigned to me a cruise on the coast of Brazil, for the double purpose of giving protection to our commerce, as also to have intercourse with our public agents on shore. Destined farther South, the stay I shall make in port will be only sufficiently long to enable me to replenish my stock of provisions. Should you have any communications to make touching the two first points, I shall be glad to receive them. At the period of my departure from the United States, our Government was not then possessed of information as to the blockade of the Rio de la Plata, and perhaps it is important I should have information from you on four points: first, as to the legality of the blockade; second, as to the force, both naval and military, employed in carrying it into effect; third, whether designed to exclude from the river both the civil and military marine of each of the various nations; fourth, whether each point is presented with such force, by *both* sea and land, as will enforce its declaration.

With great respect, I have the honor to be,
Your obedient servant,
J. D. ELLIOTT.

To CONDY RAGUET, Esq.
In Charge of the Affairs of the U. S. at the Capital of Brazil.

LEGATION OF THE U. S. OF AMERICA,
Rio de Janeiro, March 18, 1826.

SIR: I had the honor to receive, on the day subsequent to its date, your communication of the 14th instant, and, in reply thereto, submit the following observations:

The presence of one or more of the public ships of the United States on this coast, during the continuance of the war now existing between the Empire of Brazil and the Republic of the United Provinces of

the River Plate, cannot fail, for reasons well known to you, to be highly beneficial to the commerce of our citizens. Even long before the existence of hostilities, the want of such protection as could only be afforded by a naval force, was in some degree felt; but our Government, aware of the existence, in some parts of this country, of a disposition to oppose the present order of things, and desirous to avoid all imputations of intermeddling in the concerns of another State, very wisely and discreetly abstained from the employment of any portion of its Marine in this quarter. I need hardly state to you, that had our Government resolved to station on this coast even a single ship, during the time when an attempt was making to establish a Republic in the Northern Provinces, it would have been difficult to persuade a suspicious people that we were not instrumental in promoting revolutionary schemes. The President no doubt foresaw this, and it was the determination of our Government to act, in regard to the Brazilian question, with the same fairness and neutrality which have invariably marked our political conduct in regard to other States. A course has been pursued which cannot fail to entitle us to the character of a just and consistent nation. The independence and tranquillity of Brazil having, however, placed her on a footing with other established nations, all occasion for extreme delicacy, on our part, is at an end; and I cannot but hope that our Government will see the advantage of maintaining, in this sea, a respectable force upon a permanent establishment. The very presence of a public ship always commands respect for the nation to which she belongs, and that respect acts as a check upon aggressions which might otherwise be attempted. This, I have no doubt, will be fully proved by your visit to the River Plate; and should it happen that your active interference be not required, for the protection of American citizens and property, I am well persuaded that this will be the result of that passive influence which silently operates, and prevents the commission of outrages.

In relation to your inquiries respecting the blockade of the river Plate, I answer as follows:

On the 6th and 7th days of December last, notice was given by this Government to the diplomatic and consular agents here residing, that the ports of the United Provinces of the River of Plate would be blockaded. In consequence of this notice, I thought it proper to address a note to the Minister of Foreign Affairs, explanatory of the views entertained by the Government of the United States, as far as I was acquainted with them, in relation to the laws of blockade, with the object of avoiding, at the commencement, all misunderstanding to which a different construction might give rise. Of this note, which was dated on the 13th December, I take the liberty of handing you a copy; and I also enclose to you a copy of the answer received from the Minister, under date of the 22d of same month.

As to the legality of the blockade, in regard to its enforcement, we have, at this distance, no means of judging. You will, however, have observed, by the protest made on the 13th February, by Mr. Forbes, our Minister at Buenos Ayres, a copy of which I furnished you yes-

terday, against the blockade, as being altogether inefficient, that, in his opinion, it was clearly illegal *at that period*. Whether or no it has since been renewed by an adequate force, you can best ascertain on your arrival in the river. But I would respectfully call your attention to one point, which you will find asserted in my note to the Minister, and which I consider to be a very important one in the actual state of affairs—that "if any withdrawal of the blockading force should at any time take place, owing to the power of the besieged or his allies, or to the necessity of refitting or procuring supplies, or for the purpose of cruising or blockading other places, or from any other cause, (except storms, which drive it temporarily from its position, *but which it immediately resumes*.) the blockade was considered at an end; and a repetition of it could only be considered as a new blockade, and not as an uninterrupted continuation of the original one, which could affect the interest of neutrals who had entered the port in the mean while, when no blockading force was present to warn them off, or obstruct their entry." From late advices, it does appear that the blockading force has been, once or twice, entirely withdrawn: and it is therefore, very clear, that all seizures or detentions, on their leaving port, of neutral vessels which had entered when there was no blockade in existence, must be illegal. We have no positive information, but it is supposed that the Brazilian squadron in the river, at the time of the declaration of the blockade, consisted of about 45 sail, including gunboats. As Buenos Ayres is not besieged by land, no military force is employed against it.

As to the question, whether the blockade is designed to exclude public ships, as well as merchant vessels, of neutral nations, I reply, that no communication has been made to me upon that subject, by this Government, and although I have heard it said, that the Minister of Foreign Affairs, in December last, stated in conversation with some of my colleagues in public employment, that it was the intention of this Government to prohibit the entry into Buenos Ayres of foreign ships of war, yet the recent fact of the British corvette Chasseur, having visited that port in the latter end of February, is conclusive as to the non-existence, at this day, of any such design. Had any serious intention existed at any time on the part of the Brazilian Ministry, to attempt a measure so clearly at variance with the established laws of nations, official notice would undoubtedly have been given, and in that case, I should not have failed to resist the doctrine as wholly inadmissible by the United States, and at the same time to have given notice, that any attempt to impede the entry into a blockaded port, of an American ship of war, would be resisted by force.

The foregoing remarks appear to me to be such as are called for by your letter, and are respectfully submitted to your better judgment. I will merely add, that the proclamation of Admiral Lobo, announcing the blockade, was dated on the 20th December, but it did not reach Buenos Ayres until the 31st. The declaration of war issued here, was dated on the 10th of same month, but not made public until

the 16th. No advices either of the blockade or war, left this for the United States until the 26th December.

Wishing you a pleasant and expeditious passage, and begging you to write to me whenever convenience and opportunity combine, I remain, with much esteem and respect, your friend and servant,

CONDY RAGUET.

J. D. ELLIOTT, Esq.
Commanding United States ship Cyane.

Mr. Raguet to the Minister of Foreign Affairs.

[BLOCKADE QUESTION.]

The undersigned, Chargé d'Affaires of the United States of America, presents his compliments to the Viscount of St. Amaro, Counsellor, Minister, and Secretary of State for Foreign Affairs, and acknowledges the receipt, on the days of their respective dates, of His Excellency's communications of 6th and 7th instant, the first announcing that "His Majesty, the Emperor, had ordered to be fitted out a naval force, with the object of placing in effective blockade all the ports belonging to the Government of the United Provinces of the River of Plate," and the second, giving notice "that the said Ports were to be blockaded by order of His Majesty the Emperor, by the forces already there stationed, reinforced by those which have just departed."

As this measure of war cannot fail deeply to affect the interests of neutral nations, the merchants of which, with their own ships and capitals, carry on almost exclusively the foreign trade with Buenos Ayres, and the other ports intended to be blockaded, and as the general terms of the notification involve a question of infinite importance to the interests of the United States, and all the other Powers of America, as well as the secondary States of Europe, the undersigned, as representing one of the nations most interested, conceives it to be his duty to bring to the view of His Majesty's Government, some observations upon the principles of blockade, as maintained by the United States, in their construction of national law, in the hopes that they may be found to be in accordance with those professed by his Majesty's Government, and that thus all liability to any misunderstanding which might possibly arise from the misapplication of those principles, may be removed at the outset. The necessity of making this representation is rendered the more imperious on the undersigned, by the occurrence of a case, wherein a valuable American ship, seized by one of the commanders of His Majesty's naval service, for an alleged breach of the blockade of Pernambuco, in September, 1824, remains to this day, *after a lapse of near fifteen months*, not only without a decision in the first instance, but even without an early prospect of one. As this matter, however, will form the subject of a separate communication, no further remarks in relation to it will here be made.

It cannot but be known to his Excellency, that the doctrine of blockades, as maintained in the *practice* of modern times, by some of the European Powers, has been entirely subversive of the principles respected by the majority of nations, and which have been held to be settled by the most distinguished writers on public law, and even by those very Powers themselves in theory. The right of a belligerent to destress his enemy by the institution of sieges and blockades, cannot be questioned; but the extent to which he may lawfully prejudice the interests of neutrals, is a matter which it is not competent for the belligerent alone to decide. Neutrals, as well as belligerents, have their rights, and if the former have acceded to the rule, that trade in articles contraband of war may not be carried on with the country of a belligerent, this acquiescence is to be viewed as the result of that respect for the laws of humanity, which desires to see a speedy termination to the disasters of war, wherever they have unhappily been displayed. To this same respect for the laws of humanity, is to be ascribed that further concession in favor of belligerents, by which neutral nations agree not to convey provisions or other supplies, to ports or places actually besieged or blockaded, and upon no other principle can the abandonment, by neutral nations, of their innocent commerce with States with which they are in amity, be contended for.

Neutral nations, however, in thus giving up for the common good, a portion of their natural rights, by no means intended, that an assailing belligerent should be invested with an *artificial* power to distress his antagonist, or with any advantages not due to the positive force of his arms. It was for this reason, that the maxim was settled, that no port could be considered as in a state of blockade, unless so guarded, as that "no vessel could enter without evident danger, on account of vessels of war, so stationed there, as to form an effectual blockade." From this principle it followed, that, if any withdrawal of the blockading force should at any time take place, owing to the power of the besieged or his allies, or to the necessity of refitting, or procuring supplies, or for the purpose of cruising, or blockading other places, or from any other cause, (except storms, which drive it temporarily from its position, *but which it immediately resumes*,) the blockade was considered at an end, and a repetition of it could only be considered as a new blockade. and not as an interrupted continuation of the original one. which could affect the interests of neutrals who had entered the port in the meanwhile, when no blockading force was present to warn them off, or obstruct their entry. In accordance with this equitable construction of the laws of blockade, as defined above, by the armed neutrality of 1780. the Government of Great Britain, the most powerful maritime nation of the world, in a convention with the Empire of Russia, formed, in the year 1801. stipulated "that, in order to determine what characterizes a blockaded port, that denomination is only given to a port where there is, by the disposition of the Power that attacks it, with ships stationary, or sufficiently near, an evident danger in entering." It is needless to say, that the other

Powers of Europe, as well as the United States, at that time the only independent American Power. never having disputed the principle. it could be otherwise regarded, than as the established law of nations at the commencement of the present century. and it is equally clear, that it must be so considered at this day, notwithstanding the violations that have been practised by States which acknowledged its correctness.

The principle then being indisputable that the existence on the spot. of the means adequate to the end, was necessary for the institution of a blockade. the next question that presented itself was, how were neutrals to be notified of the fact. That all aggressions upon an innocent and friendly stranger, were contrary to the laws of humanity and justice, was too palpable to be denied, and the very proper practice was soon introduced of warning neutrals about to enter a blockaded port of the existence of a blockade; and, without this warning by the blockading force, they could not be considered as liable to capture and confiscation. This just and equitable rule, not at all shaken by the refinements of modern sophistry, or the outrages of modern injustice, was grounded upon a fair demarcation of the limits between the rights of neutrals and the rights of belligerents, and is supported by the following reasoning:

The right to prevent the entry of neutrals into the blockaded port of a Power. with which they are in amity, is, as above declared, the result of a concession in favor of the belligerent; but a concession only made for such length of time as the blockading party actually maintains the blockade. To prevent the entry of a neutral, even for a moment after the raising of the blockade, would be a manifest infringement of his rights; and, if the doctrine were admitted, that a notice published in a distant country of a blockade, which might by possibility be raised long before any vessel could reach the designated port, was the only one requisite, the consequences would be highly injurious to the interests of a distant nation, whose merchants would be deprived of the advantages, enjoyed by those near at hand, of furnishing supplies to the party which had been, by the recurrence of peace or other causes, relieved from the distresses of a siege. In countries which are proximate to each other, as Great Britain, France. Holland, &c. where the intercourse requires but the lapse of a few hours or days, the institution or withdrawal of a blockade may be known in so short a period of time, as to render the importance of the principle here advocated less manifest than it is to nations which are relatively more distant, such as those that are separated by the Atlantic Ocean, and especially those that are located in different hemispheres. To meet this argument by contending that a vessel is bound to call for information at a neighboring port, would be only substituting one measure of injustice for another. Leaving out of the question the impractability in many cases, especially those wherein whole coasts are blockaded. of complying with such a demand, no belligerent has a right to compel a neutral vessel to perform a circuitous route to the port of her destination; nor has he the right to impose upon her the necessity of incurring the expense of port and other charges, in his own ports or those

of any other nation. So satisfied with the correctness of this principle was the Government of Great Britain, that, in the year 1804, in consequence of a remonstrance made by the American Government against a declaration of a general blockade of "the Islands of Martinique and Guadaloupe," proclaimed by the British Naval Commander, orders were issued to him "not to consider any blockade of those Islands existing, unless in respect to particular ports, which may be actually invested, and then not to capture vessels bound to such ports, *unless they shall previously have been warned not to enter there.*"

The United States, maintaining these same principles, have always denied the doctrine of general and diplomatic notifications of blockades as binding upon their citizens. Whenever they are made, however, they regard them as friendly offices on the part of the Government from which they proceed, because it gives their merchants an opportunity of taking into the calculations of their voyages the contingency of a *continued effective* blockade of the ports designated, and affords them occasion for advancing their own particular views upon that branch of the public code, which has been so frequently violated by some of the principal Powers of Europe. In the year 1816, the Government of the United States having been notified, by the Spanish Minister at Washington, of a declaration of the blockade of the "ports of the Vice Royalty of Santa Fe," lost no time in protesting against the general terms of the same, and its representative at Madrid was instructed to advise the Government of Spain, that "a blockade, to be acknowledged by the United States as valid, must be confined to particular ports, each having a force *stationed* before it, sufficient to intercept the entry of vessels, and no vessel shall be seized even in attempting to enter a port so blockaded, till she has been previously warned away from that port." It was also notified that indemnity would be claimed for all captures of American vessels not made in accordance with this rule.

It is manifestly not the interest of the new independent American States, to adopt in their practice the broadest possible construction of the laws of blockade: for the time may come, when, being at war with the powerful maritime nations of Europe, they may find it all important to be able to shew, that, like the United States, they have always adhered to these maxims, which have been received and acknowledged as settled principles of national law, and have always been ready to observe those rules, which, consistently with self-protection, have operated least injuriously to neutral and friendly nations.

It is for this reason that the undersigned begs leave to invite the attention of his Excellency to the following considerations connected with the important question referred to.

The submission of neutrals to the laws of blockade, as above established, is a concession granted to the besieger, and can only be construed to extend so far as shall promote his benefit. Any act, therefore, which can be shewn to inflict a positive injury upon a neutral, without conferring a benefit on the beseiger in the furtherance of his plans, must be inadmissible upon the common principles of national justice. Thus,

if a neutral's vessels and property are within a port at the time of the institution of a blockade, it would be manifestly unjust to prohibit their departure, in as much as by so doing extensive evils would be brought upon the citizens of friendly nations in their pursuit of a lawful commerce. It is, indeed, difficult to imagine what justifiable motive could influence a besieger to prevent a neutral from withdrawing from the besieged place his ship and property; for, by such act, the means of escape and of defence, as well as the means of prolonging the contest, would be at the same time withdrawn from the enemy.

With respect to the right of neutral ships to depart, there seems to be no difference of opinion among nations, but the same does not happen in regard to their *cargoes*. In the year 1813, while Great Britain was at war with the United States, some of the European Powers remonstrated against the unjustifiable pretensions of her system of blockade, which embraced a chief part of the coast of the United States; and, in an answer given to the Minister of Sweden, it was contended that although neutral *vessels*, which had entered the American ports, without a knowledge of the blockade, might, in conformity with the established rule, be allowed to depart; yet that this permission could not be extended to their *cargoes*. Special motives in this particular case, on the part of Great Britain, might amply account for a measure which she might not perhaps willingly have approved, if adopted by any other Power; and it is not to be wondered at, that a nation, which already monopolized so great a share of the commerce of the world, should have pursued a system calculated to exclude from competition the capitals of other States.

If, therefore, it can be made to appear, to the satisfaction of his Majesty's Government, that the citizens of nations, with which his Majesty is in amity, are the proprietors of a large amount of property already in the ports of the United Provinces of the River Plate, or which may enter them before the institution of the blockades, the undersigned would, respectfully, submit to the consideration of his Majesty's Government, whether it would not be advisable to furnish the officers who are to direct the same, (in case the measure has not been already adopted,) with explicit instructions on the subject, in order that by no misconception of Powers may neutrals be exposed to the privation of their property, either by detention in port, or by seizure after leaving it.

The undersigned trusts that in this communication his Excellency will perceive an additional evidence of the desire by which he is actuated, of endeavoring to perpetuate the harmony and good understanding which so happily subsists between their respective nations; and which will be more and more strengthened in proportion as they mutually embrace the same principles of justice, and of respect for each others' rights.

The undersigned, on this occasion, renews to his Excellency the Viscount of St. Amaro, the assurance of his great respect and esteem, and of the high consideration with which he has the honor to subscribe himself, his Excellency's most obedient and humble servant,

RIO JANEIRO, *December* 13, 1825. CONDY RAGUET.

[TRANSLATION.]

The undersigned, Counsellor, Minister and Secretary of State for Foreign Affairs, acknowledges the receipt of the note directed to him by Mr. Condy Raguet, Chargé des Affaires of the United States of America, and has to inform him, that the Government of his Imperial Majesty, penetrated with the sentiments of justice and impartiality expressed in his note, which accords with the liberal policy practised by this Government, who never desire to adopt measures, by which the subjects of other nations should suffer inconveniences, which they would be unwilling their own should suffer in similar cases; has ordered the undersigned, in answer to your said note, to assure you, that. in the orders despatched to the commandant of the squadron blockading the ports of the United Provinces of the River of Plate, are expressly considered the vessels of neutral and friendly Powers which might have been there prior to the blockade, and determined that the said Commandant should declare, by proclamation, [manifesto] that all the above mentioned vessels might freely depart with their cargoes within the term of fourteen days; and, that the departure of vessels without cargoes, (in ballast) should not be impeded at any time.

By those orders, the Government have endeavored to prevent the occurrence of just motives of dispute or controversy, between the said Government and that of neutral nations, in consequence of the actual war, and of the said blockade; and, the undersigned flatters himself, that Mr. Condy Raguet will perceive in this answer, the justice and frankness of the proceedings of this Government.

The undersigned has by these motives, another occasion of expressing to Mr. Condy Raguet the sentiments of friendship and esteem which he renews.

VISCONDE DE S. ANDRE.

PALACE OF RIO JANEIRO, *23d of December*, 1825.

The following important Documents have been submitted to us for publication, from the Department of Foreign Relations.

LEGATION OF THE U. S. OF AMERICA,

Buenos Ayres, Feb. 13th, 1826.

The undersigned, Chargé des Affaires of the United States of America, having communications of high international interest to make to Admiral Lobo, commanding the Brazilian blockading squadron, most respectfully begs his Excellency General de la Cruz, Minister of Foreign Relations, to grant him a flag of truce according to the usages of war, to guaranty the safety of such an intercourse.

In order to manifest to this Government that sincere confidence which ought to exist between sister Republics, the undersigned has the honor to communicate a copy of the note, which he wishes to

transmit to the Brazilian Admiral. This note has for its object, an humble effort to vindicate neutral rights, in the principles and rules which ought to be observed in cases of blockade; and, it is to be hoped that this attempt will not be misconstrued into any, the slightest deviation from the straight line of most scrupulous and delicate neutrality between the belligerent parties, which it is the policy of the United States to observe, under present circumstances.

The undersigned prays his Excellency General de la Cruz, Minister of Foreign Relations, to accept the assurances of his highest consideration and respect.

JOHN M. FORBES.

To his Excellency General Don Francisco de la Cruz, Minister of Foreign Relations, &c. &c. &c.

Legation of the U. S. of America,

Buenos Ayres, Feb. 13, 1826.

In the official note which the undersigned, Chargé d'Affaires of the United States of America had the honor to address to His Excellency Admiral Lobo, Commander of the Imperial Brazilian squadron blockading the coasts and ports of Buenos Ayres, under date of 1st of January last, it was reserved by the undersigned, to present on a future occasion, the views and principles professed and put forth by the Government of the United States on the law of blockade. In conformity to that reservation, the undersigned now takes the liberty to present to the consideration of His Excellency Admiral Lobo, and, if deemed worthy of transmission, to that of His Imperial Majesty's Ministry, the following observations.

If the subject of blockade, so simple in its original application, now involves the most complicated questions of maritime law among nations, it is to be ascribed to abuses of power on one side, to too much condescension on the other, and to the multitude of incidental cases which have arisen as precedents, establishing arbitrary and ephemeral doctrines, since the breaking down of the orginal bounds and land marks of mutual and universal rights.

Although the commerce of the United States has been, to a greater extent than any other, the victim of those gigantic abuses of power, it has never suffered without just complaints, in individual cases, and constant and strong remonstrances on the part of the Government of said States, against the principle and practice of every thing like an imaginary blockade, the Hydra of lawless oppression.

Thus, it has ever been maintained by the United States, that a proclamation, or ideal blockade of an extensive coast, not supported by the actual presence of a naval power competent to enforce its simultaneous, constant and effective operation on every point of such coast, is illegal throughout its whole extent, even for the ports which may

be in actual blockade. otherwise, every capture under a notified blockade would be legal; because, the capture itself would be proof of the blockading force. This is, in general terms, one of the fundamental rules of the law of blockade, as professed and practised by the Government of the United States. And, if this principle is to derive strength from the enormity of consequences resulting from a contrary practice; it could not be better sustained, than by the terms of the original declaration of the existing Brazilian blockade, combined with its subsequent practical application.

The manifesto of His Ex. Admiral Lobo, dated 21st December last, declares that "all the ports and coasts of the Republic of Buenos Ayres, and all those on the Oriental side, (of La Plata,) which may be occupied by the troops of Buenos Ayres, are, from that date, subject to the most rigorous blockade." This declaration of blockade embraces an extent of maritime coast of more than twenty degrees of latitude; on which vast coast it is not pretended that His Imperial Majesty maintains any force beyond a single corvette, the "Maria da Gloria." If, therefore, there can exist any thing like an imaginary blockade, this is, most unequivocally, one of that description; and, as such, in conformity with the principles before laid down, it calls for the resistance of the Government of the United States. If we turn our attention to the manner in which the blockade has been enforced in the immediate waters of Buenos Ayres, abundant matter of criticism presents itself. Since the establishment of the blockade, six foreign vessels, according to the annexed list, have entered the inner roads of Buenos Ayres, and three have gone into the port of Ensenada. Among the former, one was carried into Monte Video, detained nearly a week, and then suffered to take a new destination, without any endorsement of the notice of blockade on the principal papers of the vessel, as is practised in similar cases by other maritime nations.—Another, the Hamburg ship "Daphne," passed within gun shot of the Brazilian squadron, and, under the protection of a very inferior force, proceeded up to the anchorage in the inner roads. By these examples, occurring in a fine season of the year, there being no violent stormy weather to justify such a failure to enforce the blockade, it seems to be conclusively proved, either that the Brazilian squadron cannot, or that it will not, enforce it. And thus, this high and important belligerent measure, which ought to be rigorously, constantly, and uniformly put into execution, has dwindled into a feeble and inefficient effort, depending on casualty, caprice, or convenience.

On a full view and mature consideration of all these circumstances, the undersigned feels it his indispensable duty to remonstrate and protest, and he thus remonstrates and protests against the blockade of the ports and coasts of the Republic of Buenos Ayres, as lately declared by His Ex. Admiral Lobo, Commander in Chief of His Imperial Brazilian Majesty's forces; the said blockade being, in its general character, as well as in its practical application, stamped with inefficiency; supported by a naval power wholly incompetent to enforce it in its whole extent, and consequently illegal; prostrating neutral rights,

and wholly inadmissible on the part of the Government of the United States.

Having thus remonstrated and protested against the said blockade, the undersigned reserves to the Government of the United States the right of continuing, as may be deemed expedient, the further discussion of national and individual interests, involved in this very important subject.

The undersigned takes this occasion to renew to His Excellency Admiral Lobo, the assurances of his highest consideration and respect.

JOHN M. FORBES.

To His Excellency Don Rodrigo Jose Ferreira Lobo, Vice Admiral of the squadron of His Majesty the Emperor of Brazil, &c. on board the corvette "Liberal."

LIST of Vessels arrived at the ports of Buenos Ayres and Ensenada, after the declaration of the blockade to which the adjoined communication relates.

AT BUENOS AYRES.

1825.	Dec.	23.	English brig Brothers.
		26,	American brig Mohawk.
		31,	English brig Mary Ann.
			American brig Ant.
1826.	Jan.	10,	American schooner Grace Anne.
	Feb.	8,	Hamburg ship Daphne.

AT ENSENADA.

1826.	Jan.	25,	American brig Caroline Augusta.
		29,	English brig Harmony.
	Feb.	9,	English brig Intrepid Packet.

United States' Ship Cyane.

Rio de Janeiro, April 21st, 1826.

Sir: Herewith I have the honor to enclose you copies of letters, et cætera, which I have felt myself called upon to conduct with His Excelly Don Rodrigo Jose Ferreira Lobo, commanding His Imperial Majesty the Emperor of Brazil's Naval Forces employed in enforcing a blockade of the ports in and about the Rio de la Plata; this has eventuated in the withdrawal, on the part of His Excellency, of the previously proclaimed blockade of all that section of coast without the immediate confines of the La Plata: this, in the absence of force, and with a threat of the use of the little I had, was the best I could obtain. You will perceive I have not admitted the legality of the blockade to the extent it at present exists. Other particulars, in connection with

abuses committed on our trading vessels previous to my arrival at the La Plata, are also submitted to your inspection and use.

With great respect, I have the honor to be, your obedient servant,

J. D. ELLIOTT.

To CONDY RAGUET, ESQ.
In charge of the Affairs of the U. States,
at Rio de Janeiro.

UNITED STATES' SHIP CYANE,

Off Monte Video, May 5th, 1826.

SIR: On the 18th March I had the honor to apprise you of my departure from Rio Janeiro, and I have now to say, that, on the 1st April, I arrived near Monte Video; after a detention there of two days by head winds, on the evening of the second I got under weigh for Buenos Ayres; and, on the following morning, I discovered a squadron of nearly thirty vessels at anchor off Cape Antonio, a part of which soon got under weigh and stood for the Cyane; I immediately altered my course for the purpose of nearing them, when, at the moment stated in the Log-book, (an extract of which is herewith enclosed, marked A,) I was spoken by a frigate having a corvette and three brigs in company, was ordered to send my boat on board, which demand was *peremptorily refused*, but at the same time remarked that a boat would be received, and which was soon after sent alongside; on ascertaining the name of the ship, I was informed that the port of Buenos Ayres was in blockade, and that I could not be permitted to proceed: to which I replied, that, even if I were to admit their right to proclaim a blockade of an extent of coast against a civil marine, that both English and French vessels of war were in the habit of proceeding, since the proclamation of it, almost daily to and from Monte Video and Buenos Ayres, as instanced both in the British and French Corvettes Chasseur and Fawn; that I would allow him thirty minutes to deliberate on his future action, and, at the expiration of that time, I should proceed, prepared to resist all consequences; that the flag I wore carried under it the sovereignty of the soil it represented; that violated, the soil became invaded, and I should defend the ship to the last moment; that I had a communication for Admiral Lobo, which he asked for, and which I declined presenting, until he should have returned from the frigate and discovered to me his true character. At the expiration of the time named, I hailed, and asked if he desired any further intercourse: to which he replied that he would be glad to receive the letter for Admiral Lobo, when I remarked that it would be received, by sending his boat alongside, which he soon did, with a polite message, in the offer of any thing he had on board for myself or the ship, and wished me a pleasant passage. On presenting the enclosed, marked B, I replied that I should return in a few days, and desired him to say so to the Admiral; that, individually, as well as the ship, we were abundantly supplied, and wished

nothing hereafter but a free, a liberal, and polite intercourse. I immediately made sail, passed round his bow, and down the line, under all the canvass of the ship. On the 5th April I reached the outer roads of Buenos Ayres, despatched an officer on shore with the accompanying communication marked C, together with a message to Admiral Brown of their Navy, exchanged salutes with the military authority, as also with the Admiral, and, on the morning following, paid my respects to the President of Buenos Ayres, and to the other Government authorities, which were kindly received and returned.

Here I discovered many Americans in distress, received such of them on board as wished to come *guests* to myself and officers; and, on the 18th, I got under weigh, and proceeded for the squadron of Admiral Lobo, whom I met on the 20th, exchanged honors with him, and received the accompanying communication marked D. On the following evening I arrived at Monte Video, and exchanged salutes with the authority on shore. After obtaining a true translation of Admiral Lobo's letter of the 6th, (a copy of which is enclosed, marked E,) I replied to it by communication marked F.

Observing, previous to my departure from Buenos Ayres, in a New York paper brought by a brig which had eluded the blockading force, that Lieut. Cooper, in the Porpoise, had departed that port for the coast of Brazil, presuming he had instructions for me, *definitely*, on the subject of the blockade, I deferred acting, as previously intended, until I could receive them; I therefore left the subject open, taking with me to Rio de Janeiro, in the absence of force, the best *conditions* and *terms* I could obtain, produced by a friendly call I made Admiral Lobo, (who had just arrived from his anchorage with his squadron, several of them dismasted in a gale, which was severe, and lasted forty-eight hours,) stating to him that the object of my visit was entirely intended to exchange our ideas on the subject of the blockade, and the effects to be produced on our commerce. He remarked it was not a measure of his, but of his Imperial Majesty the Emperor of Brazil; that he agreed with me as to the illegality of the measure, and at my suggestion would so far alter his previous proclamation as to confine it to the Rio de la Plata, leaving open all outside; and that no vessel should be captured, on first presenting, in the river. When warned off, she had a right to enter any port outside. This condition was preceded by a remark from me, that I should take all the American vessels at Monte Video in convoy, and protect them to any port where the conditions we required (to constitute a regular blockade) were not complied with. On the 25th and 27th April, I addressed him two notes, enclosed, and marked G and H. On the night of the 27th, Admiral Brown appeared, and with his squadron attacked that of Admiral Lobo, leaving me, as you may readily suppose, a little inconvenienced. I appeared one of them, and when his shot began to affect us, I got under weigh and separated about two miles from the combatants. After a most severe and desperate attack on the weathermost ship, a frigate of 60 guns, called the Emperatrice, the remainder of the squadron got under weigh, stood off, leaving the squadron of Brown in close combat, who soon after withdrew, steering after

the fleet of Admiral Lobo. We therefore have no information of him. The odds as to ships and guns are several hundred per cent. in favor of the Brazilians; yet the undaunted spirit of Brown and his followers, seem to make up the deficit. Under the impression that Admiral Lobo would be absent some time, I concluded to await, a few days, his return, in order to receive his written note. On the morning of the 4th instant he arrived, and I was presented with the enclosed marked I. I replied by the enclosed, marked K, and received for answer the enclosed, marked L. This opens to us an extent of coast 900 miles, which has been heretofore considered in rigorous blockade.

The accompanying communication, marked M, is a copy of my note to the United States' Consul at Montevideo, and his reply.

The English and French forces restlessly acquiesce in the blockade with evidently disturbed feelings; they have millions at stake where we have only pounds. The Brazilians have a force of 250 pieces of cannon, which is quite enough to carry into complete effect the blockade, but its energies are so badly directed that it is evaded almost daily by merchant vessels of all the various nations; and in order to extend the same terms, that were, in the first instance offered to vessels found at Buenos Ayres on the proclamation of the blockade, by Captain Christyvalier, of the French national brig Alacrity, who arrived at Buenos Ayres on the 9th April, in a passage of two days from Montevideo, we are informed that Admiral Lobo would permit the French ship Olindo, which had passed unseen by his squadron, to take in a cargo, with free permission to depart the port. I presume he will extend the same to all nations, thereby directly encouraging a violation of his own blockade. Whilst Admiral Lobo remains in one position off the Ortis, Admiral Brown, with a temporarily fitted force, occupies the whole river of La Plata, and, under the guns of Montevideo and Colonia, captures and runs on shore, burns and drives out and into port, both the naval and merchant vessels of his enemy. Whilst he is moving with great energy, his Government seem to remain most completely inactive, waiting, as I am informed, the mediation of England. to close the difference with the Emperor of Brazil. There are many diplomatic points in connection with both nations, on which I could enlarge, but I refrain, as I presume our accredited agents keep the Government constantly advised of them.

It may perhaps be proper to explain to you my motive in attempting the passage of the Rio de la Plata. I will briefly remark that as I had visited the Capital of his Imperial Majesty the Emperor of Brazil, that, in justice to his enemy, I felt myself most imperiously called upon, under our strict neutral character, to shew the Cyane before Buenos Ayres, which, with some risk to her, I was enabled to do.

This evening I shall depart hence for Rio de Janeiro.

With great respect, I have the honor to be, your obed't serv't.

J. D. ELLIOTT.

To the Hon. Samuel L. Southard,
Secretary of the Navy, Washington City.

Postscript.—N and O are communications to Joshua Bond and

A.

Extract from the Log Book of the United States' Ship Cyane, April 3, 1826.

"At 8 A M, moderate pleasant weather; at 9 discovered the vessels at ancher ahead, to be the Brazilian blockading squadron, about ten miles E. S. E. of the S. E. end of the Ortiz bank; at 9 30, observed five vessels of war, under weigh, standing towards us; at 10 made them to be one frigate, one corvette, and three brigs, prepared for battle and shewed our colors; at 11 shortened sail to the topsails, and hauled up for the Brazilian squadron under weigh; at 11 30, the frigate was on the lee beam at about 150 yards distance, two brigs on the lee bow, the other a little on the weather quarter, and the corvette astern and to leeward; at 11 40, hailed the frigate and asked her name; answered, His Imperial Majesty's frigate Maria de Gloria. The name of our ship was then asked and given, succeeded by a demand that a boat should be sent. This demand was peremptorily refused by Captain Elliott, adding that a boat should never be sent from his ship, although one would be received; observed the guns of the frigate trained and tompions out; kept the larboard guns on the main-deck manned for the frigate and her consorts on the lee bow, and manned the starboard quarter-deck guns for the brig on the weather quarter; observed the brig on the weather shortly after drop astern; at 11 45, received a boat from the frigate and brig with two officers, who were introduced to Capt. Elliott in his cabin, by whom he was informed that the port of Buenos Ayres was blockaded, and he could not be permitted to proceed. To which he replied that, if even he were to admit their right to proclaim the blockade of an extent of coast, against a civil marine, he could not against neutral vessels of war; that both English and French vessels of war were in the habit of proceeding, almost daily, to and from Monte Video and Buenos Ayres, as instanced both in the British and French corvettes Chasseur and Fawn; that he would allow him 30 minutes to deliberate on his future actions, and at the expiration of that time he would proceed, prepared to resist all consequences; that the flag he wore, carried under it the sovereignty of the soil it represented; that violated, the soil became invaded; and that he should defend his ship to the last moment. Capt. Elliott further observed to the officer, that he had a communication for Admiral Lobo, which was requested. Capt. Elliott declined giving it to the officer, until he returned from his frigate and discovered her true character. At 12 the Brazilian boats left the ship; during all this time the weatherly position of the ship was maintained, and every other precaution taken to resist, with effect, an attack from the squadron, which appeared to be meditated; at 12 20, hailed the frigate to know if they had any further communication to make; they answered by asking if Captain Elliott would send the Admiral's letters and papers: yes, was the reply, if you will send a boat; at 12 45, a boat came alongside for letters and papers for the Admiral, with the compliments

of the commanding officer, to Capt. Elliott, tendering every civility, and offering any supplies he might be in want of, with his best wishes for a speedy and pleasant passage to Buenos Ayres: Capt. Elliott returned his compliments and thanks, adding that his ship was abundantly supplied with every necessary, and that all he wanted was a free and generous intercourse with all nations, concluding with an offer to be the bearer of any communication the commanding officer, or any other in the squadron, might have to make with Buenos Ayres; at one the Brazilian boat departed; bore up, passed within hail of the Brazilian squadron along their line; made all sail for Buenos Ayres."

B

UNITED STATES' SHIP CYANE,

Off the Ortiz Bank, April 3d, 1826.

SIR: The undersigned, commading the United States' Naval force on the coast of Brazil, begs leave to submit for the consideration of Admiral Lobo, commanding his Imperial Majesty's forces at the Rio de la Plata, a few remarks on the subject of the blockade recently proclaimed by him, of the whole extent of coast of the Republic of Buenos Ayres, and all those on the Oriental side of the La Plata, an extent of nearly *thirty degrees of latitude.*

The United States, just in her intercourse with the nations on both sides of the Hemisphere, will expect a correspondent return. She has steadfastly contended for, and uniformly *sustained*, the *point*, that she will not submit to the terms of a blockade of a whole coast of nearly thirty degrees of latitude, such as you have been pleased to set forth in your manifesto of the 21st of December last; and the undersigned begs leave to remark to Admiral Lobo, that, whilst the United States will observe a strict neutrality between the parties in the present contest, she will most steadfastly and scrupulously defend a point which she has already waded through a bloody but a successful war in the maintenance of. The intelligence of an officer vested with the command of a force of the magnitude of the present, it is presumed, will induce him to look into and search for information of those authorities which treat on international law, and can enlighten and illume the mind. He will there have brought to his view the terms of the armed neutrality of 1780, which settled all those points amongst the different European nations. Great Britain, then the most powerful of the maritime nations in the world, in a convention with the Empire of Russia, entered into in 1801, stipulated, "That, in order to determine what characterized a blockaded port, that denomination is only given to a port where there is, by the disposition of the Power that attacks it with ships, stationary or sufficiently near, an evident danger in entering." It is needless to say, that the other Powers of Europe, as well as the United States, then the only independent one of the

great Western world, never having disputed the principle, it could not be otherwise regarded than as the established line drawn between all. It commenced with the present century, and is equally clear that it must be so considered, at this time, notwithstanding the violations practised in recent days. So satisfied with the correctness of this principle, was the Government of Great Britain, that, in the year 1804, in consequence of a remonstrance made by the American Government against a declaration of a general blockade "of the Islands of Martinique and Guadaloupe," proclaimed by the British Naval commander, orders were issued to him "not to consider any blockade "of these islands existing, unless in respect to particular ports which "may be actually invested, and then not to capture vessels bound to "such ports, *unless* they have been previously warned not to enter "them." The United States will not acknowledge a blockade as valid against its civil marine, unless confined to particular ports, each one having *stationed before it* a force sufficiently great to prevent the entry of all vessels carrying materials to succor the besieged; and no vessel shall be seized, even in attempting to enter the port so blockaded, till she has been previously warned off, and the fact endorsed on her register. The undersigned will also avail himself of this occasion to express his regret that the representative of His Imperial Majesty should have found it necessary to adopt a course, in relation to the United States, so well calculated to disturb the harmony and good feelings which exist between the two Governments; that whilst he has the disposition to present to Admiral Lobo an earnest of those feelings of his Government, when she stepped forth *first* from among the nations of the earth, in the recognition of the Empire of Brazil as, amongst them, *free*, *sovereign*, and *independent*. He will also assure him that indemnity will be claimed, and, if necessary, the undersigned will feel himself called upon to bring into operation that arm of the nation's Naval force placed subject to his control, in repelling all improper encroachments on American vessels, and on her maritime and neutral rights.

With great respect and consideration,
I have the honor to subscribe,
Your obedient servant,
J. D. ELLIOTT.

To His Ex'y Don Rodrigo Jose Ferr. Lobo,
Vice Admiral of the forces of His Imperial Majesty the Emperor of Brazil.

D.

[TRANSLATION.]

On board the Imperial Brazilian Corvette Liberal,
At anchor in the River La Plata, 6th of April, 1826.

The undersigned Vice Admiral commanding the naval forces stationed in the River de la Plata, informs the illustrious Signor J. D.

Elliott, commanding the naval forces of the United States on the coast of Brazil, that he has before him his note of the 3d instant, relative to the blockade which his majesty the Emperor of Brazil has ordered to be declared against all the ports on the Western bank of the River de la Plata, as well as against those on the Eastern bank which may be in the possession of the enemy—these ports, and likewise those from the coast of Patagonia to Bahia Branca, are the ones which it is the intention of the undersigned to blockade. The ports, also, which are between the Rivers Parana and Uruguay ought to be considered as under blockade by the ships which are cruizing in the River La Plata, inasmuch as the latter river is the entry to the others; and to blockade a port it is not necessary to be always in sight of it, but it is sufficient to cruise about the place which formed its entry. For example, the undersigned might blockade Buenos Ayres while at Dos Bancos de Ortiz, and did so while on the bank of the River la Plata. This is his opinion, and he believes that nothing can be reasonably urged against it.

The undersigned would be the first to acknowledge the amity subsisting between the cabinet of the United States and that of the Empire of Brazil; and he hopes that he will give no cause for the slightest dissention or misunderstanding between the two Governments. Nor ought the commission with which the undersigned is entrusted, to be productive of detrimental consequences to either nation; because nothing is more easy, when a good understanding subsists, than to conform to the established laws of a blockade, which laws the undersigned has not departed from, inasmuch as his mode of proceeding with the vessels of allied nations has been as follows: Whenever the undersigned has met with vessels of allied nations, he has informed them the ports of the Republic of Buenos Ayres were under blockade, and has directed a note to be attached to their passports, stating this fact. Until the present, all have obeyed. Slight difficulties have arisen; but, in the end, all have obeyed, with the exception of an American schooner, which, after being examined, entered the port of Montevideo, and there obtained a passport, if I rightly remember, to double Cape Horn, and, going out, entered again by the Northern channel, and afterwards proceeded to Buenos Ayres. She is now a schooner of war of that Republic, called the Sarando.

The undersigned is of opinion that he has forces more than sufficient to blockade the ports of the River la Plata. Until the present day, he has not met with any vessels of allied nations which were not bound to Buenos Ayres. He conceives, however, that he has fulfilled his duty by being in sight of Buenos Ayres, or even at Dos Bancos, according to the established principle for blockading a port; and any vessel whatever, being warned in the manner which the undersigned continues to give warning, is liable to the established laws, if she afterwards violates the blockade.

The undersigned is of opinion that he has satisfactorily answered the note which he received, dated the 3d April; but, if this reply is

not sufficient, recourse must be had to the cabinet of the Empire of Brazil at Rio de Janeiro.

The undersigned profits by this opportunity to assure the illustrious Signior commanding the naval forces of the United States of America on the coast of Brazil, of the consideration and respect with which he has the honor to salute him.

RODRIGO JOSE FERA. LOBO,
Vice Admiral.

F.

UNITED STATES' SHIP CYANE,
Off Montevideo, May 4th, 1826.

SIR: There is still one letter of your excellency to which I feel called upon to reply. In taking leave of the subject we have had under discussion, I will briefly remark, that I have not yet seen the grounds on which his Imperial Majesty presents the justice of his blockade, of the extent you set forth in answer to my note of the 3d ult. Second, that because some of the European Powers have attempted to introduce a system most pernicious to the commerce of non-belligerents, the justice of a similar action on the part of one of the youngest Governments on this side of the Hemisphere, can by no means be made apparent. If there is authority, I should be glad to see it; and will submit, for your farther consideration, some other on the subject of blockade, which is new to us on this side of the water, and requires great circumspection in the introduction of a system which in the end, may be quoted and used successfully against us. The following is of British origin, strengthened by reference to those able writers, on international law, Grotius and Vattel.

"Chitty on Belligerent Powers and Neutral Rights;" Boston edition, pages 129, 130, 131, and 132.

"It is under this impression that tribunals of the law of nations, before they have enforced the provisions of a blockade, have uniformly required it to be established by clear and unequivocal evidence, first, that the party proceeded against has had due notice of the existence of the blockade; and, secondly, that the squadron allotted for the purposes of its execution, was fully competent to cut off all communications with the interdicted port. These points have been deemed so indispensably requisite to the existence of a legal blockade, that the failure of either of them has been held to amount to an entire defeasance of the measure, and this even in cases where the notification of it has issued immediately from the fountain of supreme authority."(s)

"The blockade must not only have been declared by competent

(s) This was decided in the Court of Appeal, in Feb. 1792, Dr. Phillimore on License Trade, 52, in notes.

(y) Mercurius, 1 Rob. Rep. 80.

(z) 4 Rob. Rep. 66—1 Acton, 64, 5 Lord Erkine's speech, 8th March, 1808, on the Orders in Council, 10 Cobbett's Parl. Deb. 949, 950.

authority, but must be also an actually existing blockade. A blockade is then only to be considered as actually existing, when there is a power to enforce it. (y) 'The very notion of a complete blockade,' said Sir William Scott, in the case of the Stert, (z) 'includes that the besieging force can apply its power to every point of the blockaded State. If it cannot, there is no blockade of that part where its power cannot be brought to bear.' We find, however, from the case of the Frederick Molke,(a) that 'it is not an accidental absence of the blockading force, nor the circumstance of being blown off by wind, (if the suspension, and the reason of the suspension, are known) that will be sufficient in law to remove a blockade.' But if the relaxation happen not by such accidents as these, but by mere remissness of the cruisers stationed to maintain the blockade, (who are too apt, by permitting the passage of some vessels, to give fair grounds to others for supposing the blockade concluded,) then it is impossible for a court of justice to say that the blockade is actually existing. 'It is in vain,' said Sir William Scott, in the case of the Jaffrow Maria Schroeder, (b) 'for Governments to impose blockades, if those employed on that service will not enforce them. The inconvenience is very great, and spreads far beyond the individual case. Reports are eagerly circulated that the blockade is raised; foreigners take advantage of the information; the property of innocent persons is ensnared, and the honor of our own country is involved in the mistake."

Perhaps I may be considered as travelling a little out of the strict path of my duty as a naval commander, when I present for your information those authorities on international law; but when one feels disposed not to call forth unpleasant discussion with our respective Governments, there is always a hope, when light can be shed, and this reference seems to meet the present case at issue.

I did not expect you would have introduced the case of the Grace Anne; it is one to which you may have supposed I had an allusion in the closing paragraph of my communication. She was a trading vessel belonging to citizens of the United States, from one of its ports, destined for Buenos Ayres. Since the receipt of your note, the particulars of her case as well as those of the brigs Henry, of Portland, and the Joseph, of Boston, have been presented to me through an official source; the former, it appears, was taken forcible possession of off the Ortis by your squadron, brought back to Monte Video, and there detained three days as a prize, and, at the same time, the master was denied all opportunity of having intercourse with the shore, or of communicating with the United States Consul; and she was farther detained full three weeks in your possession, on the pretext that she had more goods on board than was stated in the manifest of her cargo. The Henry was also boarded off Buenos Ayres, the vessel overhauled, the mate and one of the seamen most cruelly beaten; and the Joseph was also taken possession of off Monte Video, there held, the vessel drifted about by the current, and returned to the master, her geo-

(a) 1 Rob. Rep. 86—1 Rob. 93, 94, 147, 156—1 Acton's Rep. 59.
(b) 3 Rob. Rep. 156—ibid, 158, 159, note, 1 Acton's Rep. 59.

graphical position not then known, and was eventually lost on the English Bank. These points are presented for your explanation. I will further beg leave to remark to your Excellency, it has been always admitted that when a blockade is established first on lawful principles, a trading vessel has a right to present herself before any force there, to be warned not to enter the port. Should a farther attempt be made, she may be taken possession of, and, under the forms of a trial, be condemned, it becomes a matter on which the vessel and cargo is the only forfeit. I am somewhat at at a loss to perceive how your Excellency can believe your force stationed in the blockade of all the ports of the Rio de la Plata, according to maritime principles, being in a line parallel to a shore distant on one side 30 miles, and on the other 17, and from the three most important ports more than 100 miles, commanding the space between your buoys, where vessels may pass and repass unseen, at their pleasure, instanced in the arrival at Buenos Ayres, whilst my ship lay there, of an American, of a French, and of two English brigs, all richly ladened.

Possessed of a fleet of nearly fifty sail wearing the flag of His Imperial Majesty and now in the La Plata, Admiral Brown, from a declared blockaded port, with a temporarily fitted force of only six vessels, passes and repasses at pleasure, in your presence and within 20 miles of you, attacks and captures at Colonia and Monte Video, both His Imperial Majesty's vessels of war, as also those of his subjects; this fact is instanced in the arrival within the space of six days of six prizes at Buenos Ayres.

On closing this, the undersigned begs leave to call your Excellency's attention to his former communication setting forth the views of his Government on the subject of blockade, and trusts they will meet with the entire approbation of His Imperial Majesty.

With high consideration, the undersigned has the honor to subscribe, your obedient servant,

J. D. ELLIOTT.

To Don Roderigo Jose Fer. Lobo,
Vice Admiral commanding the Brazilian Forces
At the Rio de la Plata.

G.

United States' Ship Cyane,
Montevideo, April 25th, 1826.

Sir: The very frank and free conversation I had with your Excellency this morning, has greatly relieved my mind on the subject of the farther bearing you intend your blockade to have on the commerce of the United States; and I will be frank to say that my Government *cannot* nor *will not* object to the proclamation of Buenos Ayres and Ensenada in close blockade, and made so by the force you at present

have in the La Plata, leaving the outer coast, and that of Patagonia, and the Northern coast of the Banda Oriental, not designated.

With high consideration, and with great personal esteem, I have the honor to remain your Excellency's most obedient servant,

J. D. ELLIOTT.

Don Rodrigo Jose Fer. Lobo,
Vice Admiral Brazilian Navy, Commander-in-Chief
Of the Naval Forces in the Rio de la Plata.

H.

United States' Ship Cyane,
Montevideo, April 27th, 1826.

The undersigned would suggest to his Excellency Vice Admiral Lobo, the propriety of our settling, previous to separating at this time, the grounds on which the blockade in the river La Plata should be conducted in relation to the commerce of the United States. This, the undersigned feels well assured, will be productive of a continuance of those harmonious feelings which at present exist in our respective Governments.

With high consideration and respect, I have the honor to subscribe your obedient servant,

J. D. ELLIOTT.

Don Rodrigo Jose Ferr'a Lobo,
Vice Admiral Brazilian Navy,
Commanding the Naval Forces in the Rio de la Plata.

I.

On board the Corvette Liberal,
At anchor, in sight of Montevideo, 27th April, 1826.

The undersigned, Vice Admiral commanding the naval forces of the Brazilian Empire in the river La Plata, has considered the two notes which were addressed to him by the illustrious Signior J. D. Elliott, commanding the frigate Cyane, of the United States of America, relative to the blockade of the ports of the Republic of Buenos Ayres, as declared in the proclamation of the undersigned, approved by his Government. The illustrious Signior J. D. Elliott is unwilling to conform to this blockade in its whole extent, but only with regard to Buenos Ayres and Ensenada, and thinks that all the other ports ought not to be considered under blockade. In this opinion the undersigned cannot agree with the illustrious Signior J. D. Elliott, who pretends that all the other ports, both within and without the Rio La Plata, should be excluded from the blockade; and the undersigned

reminds the illustrious Signior J. D. Elliott that it was his decided opinion, in the conference which they had, that all the ports comprehended within the Rio de la Plata, that is, from Capes Santa Maria and Santa Antonio within, where his ships generally were, were under a rigorous blockade. The undersigned hopes that he has satisfied the illustrious Signior J. D. Elliott; but if the decision should not be satisfactory to him, he may apply to the Court at Rio de Janeiro, where he will be completely satisfied. The undersigned is not competent to revoke what has been approved by his Government, and he can do no more, on this occasion, than suggest the arguments which offer themselves to him relative to the matter in question.

It remains to the undersigned to make the protestations of esteem and consideration with which, &c. &c.

RODRIGO JOSE FERR'A LOBOS.
Vice Admiral.

To the illustrious Signior J. D. ELLIOTT.

K.

UNITED STATES' SHIP CYANE,
Off Montevideo, May 4th, 1826.

SIR: The undersigned has the honor to acknowledge the receipt of the communication of his Excellency Vice Admiral Lobo, of the present date; and, in answer, he has to remark that he understood distinctly from your Excellency's declaration at the conference to which you allude, that the blockade you intended hereafter to enforce, was confined to the ports within the Rio de la Plata: and that the coast outside, was no longer to be considered as in blockade; this was also the understanding of his officer, who had conference with your Excellency the succeeding day.

The undersigned has the honor to subscribe your Excellency's most obed't. serv't.

J. D. ELLIOTT.

DON RODRIGO JOSE FERRA. LOBO,
Vice Admiral commanding the Brazilian Forces
At the Rio de la Plata

L.

To the Illustrious Signior J. D. ELLIOTT:

I acknowledge the receipt of your note, dated to-day, in reply to the one which I addressed to you relative to the ports which I hold to be rigorously blockaded, which are those within the River de la Plata from Cape Santa Maria and Cape Sant Antonio, both on the Eastern and Western bank, with the exception of Montevideo. This was my

fixed opinion in the conference which I had with you, and I cannot alter it in any respect. If you understand it differently, I am not to be blamed, inasmuch as I have the misfortune not to understood your language; and I cannot be responsible for the errors which may have been committed by the individuals who acted as interpreters.

You are aware that my proclamation having been approved by his Imperial Majesty, it is not in my power to revoke what has been published: and I do not a little, in considering only the ports which I have mentioned above as under rigorous blockade.

This is all that suggests itself to communicate to you, relative to the matter in question.

It remains to me to salute you with all consideration and respect.

God preserve you.

On board the corvette Liberal, anchored in front of Montevideo, 4th of May, 1826.

RODRIGO JOSE FERRA. LOBO.
Vice Admiral.

M.

UNITED STATES' SHIP CYANE,

Montevideo, April 1st, 1826.

SIR: The Government of the United States has assigned to me a cruise on the Coast of Brazil, for the double purpose of having communication with our public agents on shore, as, also, to give protection to our trade. If you have any communication to make on the subject of either, I will be glad to receive it at an early moment, and will be most happy to see you on board the United States' Ship Cyane.

This will be handed to you by Mr. Auchmuty, one of my officers.

With great respect,
Your obedient servant,
J. D. ELLIOTT.

To JAMES BOND, Esq.
Vice Consul of the United States at Montevideo.

CONSULATE OF THE UNITED STATES,

Montevideo, 26th April, 1826.

SIR: In compliance with the request made in your note of the 1st instant, I have the honor to enclose a report of the circumstances which have had an injurious tendency upon the American commerce at this place since the commencement of the war between the Emperor

of Brazil and the United Provinces of the Rio de la Plata. This report has been drawn up by my brother, then acting Vice Consul, during a temporary absence from this place.

I have the honor to be, sir,
Your very obedient servant,
JOSHUA BOND,
Consul of the United States.

J. D. ELLIOTT, Esq.
Commander of the United States' Naval Forces, &c.

CONSULATE OF THE UNITED STATES,
Montevideo, 25th of April, 1826.

On the 16th of December, information was received by an arrival from Rio de Janeiro, that the Emperor of Brazil had determined to commence hostilities against the Republic of the United Provinces of the Rio de la Plata; and, on the 22d of the same month, an official notice was received at this Consulate from Vice Admiral Lobo, commander of the Brazilian naval forces in this river, dated 20th of the same month, of his intention to blockade the ports of Buenos Ayres, to commence from the date of his communication; and, on the evening of the next day, several vessels sailed from the port to enforce the blockade. The effect of this measure was soon felt by the commerce of the United States; several vessels which had touched here bound to Buenos Ayres, either entered or sought other markets, and several others arrived which had been warned off by the squadron.

On the 31st of December, I was informed that the Schooner Grace Anne, of Baltimore, had been brought into the port under charge of a prize crew, and that the master and crew were confined on board, and denied permission to come on shore. I immediately waited on Admiral Lobo to make inquiries into the cause of her seizure, and was informed by him that she was detained on suspicion either of having attempted to pass the squadron after being warned off, or of having more goods on board than were contained in the manifest. He assured me that he would go on board without delay, make inquiry into the charges alleged against the vessel, and inform me of the result. On the following day I addressed a note to Admiral Lobo, requesting that the master, who was reported to be severely indisposed, might be permitted to land, which was granted; but not receiving any communication from the Admiral, I addressed a second note to him on the 3d, demanding a release of the officers and crew. No attention, however, being paid to this demand, I made a representation of the affair, on the 4th, to the Viscount de Laguna, the Captain General of the Province, and, late in the evening of the same day, a note from Admiral Lobo was received, enclosing the vessel's papers, in which he stated that the charges alleged against the Schooner, were without foundation, and that he would immediately despatch a vessel for that part of the crew who

were detained on board the squadron, which was accordingly done, and the men restored to the vessel. The matter thus ended without any explanation or apology being made.

By a letter dated the 19th of January, the Viscount de Laguna made known to me that, in consequence of neutral vessels having cleared out from this port for the Pacific, and, subsequently, eluding the blockading squadron, no vessel would be suffered to depart with cargoes other than the produce of this province, unless the master or consignees should previously give bonds to the amount of the vessel and cargo, that they would not enter the ports of Buenos Ayres, and, upon enforcing this order, the bonds were required to be secured by a lien on real estate. One American vessel, the ship Superior, of New-York, complied with this order, but it has not been enforced in any other case, and has been virtually abandoned.

On the 1st of March, the brig Joseph, of Boston, sailed from this port, and was the next day lost upon the English Bank. The master stated, in his protest, that the same evening he was fired at and brought to by a Brazilian brig of war which was in sight at the time of his sailing, and ordered to send his boat on board, which he refused. He was afterwards repeatedly fired at, and was detained until the next day afternoon, and attributed the loss of his vessel to his having been carried out of his course by the Brazilian vessel.

These comprise the only instances in which our commerce has suffered any detriment in this quarter since the commencement of the war; and, in order to make you more correctly acquainted with the facts, I enclose copies of the correspondence with Admiral Lobo, and also, the letter of the Viscount de Laguna referred to above.

Yours &c. JAMES BOND.

JOSHUA BOND,
Consul of the United States Montevideo.

CONSULATE OF THE UNITED STATES.

Montevideo, January 2d, 1826.

SIR: Frequent representations having been made to me respecting the dangerous and increasing illness of the Captain of the American Schooner Grace Anne, of Baltimore, now under seizure in this port, and fearing lest the state of the weather may prevent your excellency from visiting the vessel to-day, I request that permission be given for him to come on shore.

As it appears to be absolutely necessary that assistance should be rendered him without delay, which cannot be properly done on board, and as the permission cannot affect the truth of the reports alleged

against him, I hope your excellency will be pleased to grant the order as promptly as the urgency of his situation demands.

I have the honor to be,

Your Excellency's most obedient servant.

H. E. RODRIGO JOSE FERRA. LOBO,
Vice Admiral, &c.

Sent about 2 o'clock.

CONSULATE OF THE UNITED STATES OF AMERICA,

Montevideo, January 3d, 1826.

The undersigned has the honor of informing H. E. Admiral Lobo, that he has received a letter from Captain John Boddily, master of the American Schooner Grace-Anne, of Baltimore, now in this port, stating the circumstances of his seizure and detention by a Brazilian squadron in the river Plate, and demanding his interference in his behalf.

According to Captain Boddily's statement, it appears that, on the 28th December last, while proceeding on his voyage from Santos in Brazil to Buenos Ayres, he was boarded in the river Plate, off Point Indio, by an officer from a brig bearing the flag of H. I. M. the Emperor of Brazil, and himself and the papers of the vessel taken on board the said brig, where he was detained until the next morning, when he was sent on board the brig in company, called the Masseo, and after some hours further detention, was returned to his own vessel, accompanied by an officer and prize-crew, who, having sent his 2d mate and four seamen on board the Masseo, brought the vessel to this port, where she arrived on the evening of the 30th: and since arrival Captain Boddily and his crew have not been allowed to leave the vessel nor communicate with the shore, in consequence of which he has been unable to make known his situation to the Consul of the United States.

In the interview which the undersigned had with H. E. Admiral Lobo, on the morning of the 1st, but before he was in possession of any positive information of this subject, H. E. informed him that the vessel was detained on suspicion of having more cargo than her manifest could account for, and, also, that he had either attempted to pass the squadron after having been notified of the blockade, or that she had endeavored to escape persuit when first discovered by the squadron, and, if the undersigned comprehended his Excellency, these suspicions originated since her arrival in this port. If the undersigned misunderstood the charges, he requests to be more explicitly informed respecting them.

As far then as the undersigned can ascertain, no positive charges are alleged against Captain Boddily, but himself and his crew have

been confined on reports which the undersigned is assured are without foundation, and the truth and falsehood of which could have been ascertained on the slightest examination, and yet no attempt has been made to investigate them.

It is now the duty of the undersigned to ask H. E. Admiral Lobo, that captain Boddily, and such of his crew as remain on board the vessel, be immediately released, and that orders be sent with all possible despatch to liberate the men confined on board the Masseo, and restore them to the vessel from which they were taken, unless evidence can be produced to justify these proceedings.

The undersigned has the honor to be,

His Excellency's obedient servant.

Delivered 11 o'clock.

CONSULATE OF THE UNITED STATES OF AMERICA,

Montevideo, January 4, 1826.

The undersigned, Vice Consul of the United States of America, has the honor to represent to His Excellency Viscondo da Luguna, that the American schooner Grace Ann, of Baltimore. John Boddily, Master, while proceeding on her voyage from Santos, in Brazil, to Buenos Ayres, on the 28th of December last, then being in the river Plate, off Point Indio, was fired at and brought too, by a brig bearing the flag of His Imperial Majesty the Emperor of Brazils, and, afterwards, boarded by an officer from said brig, and Capt. Boddily and the papers of the vessel taken on board, where he was detained all night, exposed to the weather, on the deck of the vessel, although, at that time, he was suffering under an excruciating disease, and had been confined to his bed for some days. The next morning he was sent on board a ship in company, called the Masseo, and, after some hours further detention, he was returned to his vessel, accompanied by an officer and prize crew, who, having removed the second mate and four seamen to the Masseo, proceeded with the vessel to Montevideo. They arrived in this port on the evening of the 30th December, since which time Captain Boddily and his remaining crew have not been permitted to leave the vessel, nor communicate with shore, by the orders, as he was informed, of H. E. Admiral Lobo, in consequence of which he was unable to make known his situation to the Consul of the United States, until the night of the 2d inst. when permission was obtained for him to land.

In an interview which the undersigned had with Vice Admiral Lobo on this subject, but before he had received any authentic information respecting it, he was informed by his Excellency that he did not consider her as a prize, but that she was detained on suspicion of having more cargo than was included in the manifest, and, also, that she had either attempted to pass the squadron after having been in-

formed of the blockade, or (for his Excellency did not seem to know the exact nature of the charge,) she had endeavored to escape when first descried by the squadron; and, if the undersigned comprehended his Excellency, these suspicions had originated since the arrival of the vessel in this port, and were not suggested by the officer who seized her, and who does not appear to have assigned any cause for his conduct. If these charges were misunderstood by the undersigned, he requests that he may be more correctly informed of their n ture. His Excellency Vice Admiral Lobo, at the same time, assured the undersigned that he would examine into those reports that afternoon, or without fail the next morning, and acquaint him with the result of his investigation, but no communication has yet been received from his Excellency on that subject.

From all the undersigned can learn, it appears, then, that this vessel has been seized without any known pretext, the captain and crew rigorously confined, and debarred from all communication at a time when the situation of the former required assistance, on reports which the undersigned is assured are without foundation, and the truth or falsehood of which could have been ascertained on the slightest examination, yet no disposition to investigate them has been shown.

The undersigned not having received any answer to his applications on this subject in another quarter, it now becomes his duty, in order that speedy justice be rendered to the sufferers in this case, to request, in the name of his Government, that his Excellency Visconde de Laguna will cause immediate inquiries to be made into the charges alleged against the captain and crew, and unless evidence can be produced sufficient to authorize their further detention, that Captain Boddily, and such of his crew as remain on board the vessel, be set at liberty; that those of the crew who are confined on board the brig Masseo, be restored to the vessel from which they were unjustly taken, as speedily as circumstances will allow, and that immediate restitution be made of the vessel and cargo; and further claims, in behalf of Captain Boddily, officers, crew, and all others concerned, compensation for all damages they may have incurred by the illegal seizure and detention of themselves and vessel.

The undersigned cannot close this communication without protesting against the conduct of the officers who sent the vessel into port, and requesting an explanation of the causes which led him to adopt this measure; for the maltreatment of Captain Boddily, and detention of his crew; nor without expressing his sincere wish, that, in representing this affair to his Government, he may be able to give assurance that no outrages of this kind will occur in future.

The undersigned takes this occasion to tender to his Excellency Visconde de Luguna the assurance of his consideration and profound respect.

Sent 6 o'clock, P. M.

To the illustrious Signior the Vice Consul
of the United States of America:

I have received the note which you addressed to me under date of the 2d instant, and, with regard to the request contained in it, that I will permit the Captain of the American schooner, who is ill on board of her, to be removed on shore, I have to inform you that I yesterday told the said Captain, as likewise the Supercargo, that they might go on shore, which liberation, I am pleased to find, coincides with your request.

I profit by the occasion to present you my consideration and esteem. God preserve you many years.

Head Quarters of the Marine in Montevideo, 3d of January, 1826.

RODRIGO JOSE FERR. LOBO,
Vice-Admiral.

To the illustrious Signior James Bond,
Vice-Consul of the United States:

I have the honor to acknowledge the receipt of your letter, dated the 3d instant; and in reply to its contents, I have to inform you, that, having proceeded to examine the cargo on board the schooner Grace Anne, I found it to be the same as that stated in the manifest, which I remit to you, together with the passport and other documents. You may therefore take charge of the ship; and I intend to-morrow to withdraw my men, and to send aboard the corvette Masseo to look for the men belonging to the said schooner, and, when they are found, I will replace them on board of her.

I profit by this opportunity to salute you with all consideration and respect. God preserve you many years.

Head Quarters of the Marine in Montevideo, 4th of January, 1826.

RODRIGO JOSE FERR. LOBO,
Vice-Admiral.

MONTEVIDEO, *5th January*, 1826.

The Captain General Viscount da Laguna having been informed that the affair of the detention of the American schooner Grace Anne, which was the subject of the official note addressed to him under date of yesterday, by the illustrious Signor James Bond, Vice Consul of the United States, has been settled; it only remains to him to acknowledge the receipt of the said note, and to profit by this opportunity of making his compliments to the Signor, and assuring him of his consideration and esteem.

VISCOUNT DA LAGUNA.

To the illustrious Signor JAMES BOND,
Vice Consul of the United States.

MONTEVIDEO, 19*th January*, 1826.

ILLUSTRIOUS SIR: Having understood that several merchant vessels belonging to neutral and friendly nations, abusing the passports which they obtained from this Government for ports in the Pacific, and taking advantage of accidents which it was not in the power of the blockading squadron to guard against, have entered the ports of the Republic of Buenos Ayres, and that merchants, animated wi·h the hope of like success, are preparing expeditions with a similar destination, I have determined that no vessels of neutral nations, unless their cargo consists of the produce of this province, shall be permitted to clear out until their captains or consignees have first deposited in the Treasury of the place a legal bond, equivalent to the integral value of the goods which they may export, according to the prices current of the market, in order that they may not abuse the passports of this Government, nor enter into the ports of the Republic of Buenos Ayres; which resolution I communicate to you, in order that you may impart it to the captains or masters of merchant vessels of your nation.

God preserve you.

VISCOUNT DA LAGUNA.

N.

UNITED STATES' SHIP CYANE,

Montevideo, April 27th, 1826.

SIR: Herewith I have to acknowledge the receipt of your communication of the 26th, together with its several enclosures.

I am prepared to receive the seaman whom John Thomas, master of the brig Lincoln, of Boston, complains of; he had, therefore, better be sent off to day. I am also prepared to receive the seaman you have demanded from the Brazilian Navy.

With great respect,

Your obedient servant,

J. D. ELLIOTT.

JOSHUA BOND, ESQ.

Consul of the United States at Montevideo.

UNITED STATES' SHIP CYANE,

Off Montevideo, April 28th, 1826.

SIR: Herewith I have to apprise you, that my negotiation with His Excellency Vice Admiral Lobo, commanding the Naval forces of his Imperial Majesty the Emperor of Brazil, blockading the Rio de

la Plata have eventuated thus: that, henceforth, the blockade proclaimed in December last, of the ports of the United Provinces of the La Plata, and those of the Banda Oriental, shall be confined to those of the La Plata, *only*, and that all outside are considered no longer blockaded; that American merchant vessels shall, on presenting before his squadron, be warned not to enter ports in the river, with the fact endorsed on their register, which will not deny them, as heretofore, the privilege of entering any one of the ports along the Northern or Southern coast. This fact you will cause to be communicated to our countrymen interested in the subject.

I have the honor to subscribe,

Your obedient servant,

J. D. ELLIOTT.

To JOSHUA BOND, Esq.
Consul of the United States at Montevideo.

UNITED STATES' SHIP CYANE,

Off Montevideo, May 5th, 1826.

SIR: You will receive enclosed a copy of the official communication of His Excellency Rodrigo Jose Ferreira Lobo, commanding His Imperial Majesty the Emperor of Brazil's forces, employed in blockading at the La Plata; this you will be pleased to apprise our countrymen of in such way as may be deemed most proper for the occasion.

With great respect, your obd't serv't.

J. D. ELLIOTT.

JOSHUA BOND, Esq.
Consul of the United States at Montevideo.

O.

UNITED STATES' SHIP CYANE,

Off Montevideo, May 5, 1826.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ult. In answer I have to reply, that I have had intercourse with his Excellency Vice Admiral Lobo, on the subject of a privilege previously granted the French ship Olinda; the Vice Admiral denies positively that he gave permission to that ship to depart the port of Buenos Ayres with a cargo, and, of course, he could not extend it to the vessels of other nations. After some considerable close and warm correspondence with his excellency, he agreed to withdraw his blockade of all the ports and coasts without the Rio de la Plata. A copy of his letter is herewith enclosed for your inspection, and for the use of all our countrymen at Buenos Ayres.

With great respect,

I have the honor to be,

Your obedient servant,

J. D. ELLIOTT.

Capt. J. D. Elliot to the Secretary of the Navy.

UNITED STATES' SHIP CYANE,
Rio de Janeiro, June 11th, 1826.

"Until I could learn the ultimate decision on an affair which presented, on the 5th instant, I have refrained from bringing to your notice an attempt which was on the eve of being made, in the examination of some of our merchant vessels, by Com. Frederic du Plantys, commanding his most Christian Majesty the King of France's frigate La Seine. Some part of his crew had deserted previous to that date; and, on the 5th instant, whilst some of our merchant vessels were about departing the port, he sent one of his Lieutenants on board, with instructions to obtain my permission to board and examine those vessels, with others, for his men. I directed his officer to reply that, under no circumstances whatever, could that permission be given; and trusted he possessed too great a sense of propriety, for one moment, to urge the measure; and, in the event of his doing so, I should resist every inch by force. I accordingly made the necessary preparation, and he abandoned the point."

R.

EXTRACTS FROM THE CORRESPONDENCE OF COMMODORE J. BIDDLE.

Extract of a letter from Commodore James Biddle to the Secretary of the Navy, dated U. S. frigate Macedonian, Rio Janeiro, August 16th, 1826.

"I arrived here on the 11th instant, and, upon my arrival, I saluted the flag of Brazil, and my salute, as had been previously arranged, was returned, gun for gun. I found the Cyane here, waiting my arrival. The Boston is cruizing, by order of Captain Elliott, off La Plata river, between Capes St. Mary and St. Antonio, for the purpose of giving information of the blockade of the river to American vessels. By two different opportunities, I have written to Captain Hoffman, directing him to join me here. It is not my intention, however, to remain here until Captain Hoffman does join me; nor to permit him, in case he arrives soon after I sail, to remain here until I return. I shall probably go to sea in about a fortnight; and, should I not previously see him, I shall leave orders for Captain Hoffman to cruize at sea, and to meet me here about the middle of November next.

No American vessels have been sent in here by the blockading squadron, except the brig Leonidas, belonging to Boston, and bound, when she was seized, from Canton to Buenos Ayres. She is detained, I understand, more from a suspicion that her cargo is enemy's property, than for any intention to violate the blockade, with which, *in fact*, it is impossible she could have been acquainted."

Extract of a letter from Commodore James Biddle, to the Secretary of the Navy, dated U. S. frigate Macedonian, Rio Janeiro, 10th September, 1826.

"The Boston sloop of war arrived here on the 8th inst. from Monte Video, and I enclose Captain Hoffman's report to me. The presence of a public vessel of the United States in the river has a tendency, you perceive from Captain Hoffman's report, to prevent American vessels from being sent to this port for adjudication. This is of itself important service; as the delay of obtaining the acquittal here, of the most innocent vessel, is injurious and vexatious. I have, therefore, directed the Boston to sail, as soon as she is ready to sail, and return to the anchorage off Monte Video. I enclose a copy of my orders to Captain Hoffman; he is to meet me here in November, when he will require provisions, and which cannot be procured in the river.

I shall sail to-morrow, and go to the North as far as Bahia. It was my intention to have sailed earlier; but when the crew of the brig Ruth were sent on board this ship, Mr. Raguet became responsible to this Government for their forth coming; and, had I sailed before the taking of their depositions, it would have been necessary to send them to the prison ship for safe keeping. There was no public object to induce me to go to sea under such circumstances. I feel the utmost repugnance to American seamen being on board the prison ship; as well because they are there in the power of the Brazilian officers, as because the prison ship is exceedingly crowded, filthy, and unhealthy. These seamen are now on board the Boston, and, in a day or two, will certainly be examined. After their examination, it is no longer necessary that we should take care of them, and they will then be returned to the vessel to which they belong."

Extract of a letter from Beekman V. Hoffman, Esq. commanding U. S. ship Boston, to Commodore James Biddle, dated Monte Video, August 26th, 1826.

"I have just had the honor to receive your letter of the 13th inst. by the English Packet, and lost no time in proceeding agreeable to your instructions. During my anchorage off Monte Video, there were three American vessels captured by the Brazilian squadron, all of which were released upon my interceding in their behalf, whose names are inserted below.

There were several applications made to me by American seamen, in the Brazilian naval service, requesting I would intercede in procuring their release, as they had been impressed. I made application for them through the American Consul, and obtained the release of three, with the assurance from the Admiral that he would not suffer an American seaman to be detained in his squadron, unless regularly entered for the service."

Extract from Commodore James Biddle's instructions to Capt. B. V. Hoffman, dated U. S. Frigate Macedonian, Rio Janeiro, 10th Sept. 1826.

"As soon as the seamen belonging to the American brig Ruth are examined, and your ship is ready to sail, be pleased to get under weigh, and proceed to sea. The presence of the Boston at Monte Video having already been advantageous, I wish you to return thither without delay. Do not go higher up the river than Monte Video; and in case there is any fighting there, you must be careful to move your ship out of the way of it, in time to avoid injury.

Should any American vessel be seized, or any American citizens impressed or abused, use all your endeavors to obtain redress. I recommend your cultivating acquaintance and good will with the Brazil Admiral; so far, at least, as his conduct towards our countrymen will permit. Much may be effected in this way towards protecting American citizens and American property.

Our laws wisely and humanely consider seamen as a peculiar class of citizens, and requiring the particular care of the Government. I understand there are many American seamen in the Brazil squadron, some of whom have been impressed. If any case of impressment of American seamen comes to your knowledge, use your influence to obtain their release, and provision them on board until you return to Rio Janeiro. If our Consul at Monte Video has any American seamen whom he is supporting at the public expense, receive them also on board as supernumeraries, and bring them out of the river. Receive on board, also, all American seamen who may request you to do so. The scarcity of seamen is sensibly felt within the United States, both in the public and private service; and it is important that we should aid such as have been left abroad to return home.

I wish you to leave the anchorage of Monte Video about the first day of November next, in order to meet me here, as I shall then want the Boston to accompany me to the river. The Cyane is to meet me here early in November, and it is my wish that all three go in company to the river."

Extracts from a letter from Commodore James Biddle, dated United States' Frigate Macedonian, Rio Janeiro, 11th Sept. 1826.

"Your general order of the 10th July last, making known the lamented death of our venerable and venerated fellow-citizen, John Adams, was received last evening by an arrival from Baltimore. Your general order of the 7th of the same month, to which it refers, has not yet been received; and I could not, therefore, know the funeral honors, as they had been prescribed by the Department. At sunrise, this ship and the Boston displayed their colors half mast, and so continued them throughout the day. Each ship fired thirteen minute guns, at sunrise, at noon, and at sun down.

The death of the illustrious patriots, John Adams and Thomas Jefferson. will be lamented by the enlightened and the good in every part of the world. without regard to the distinctions of climate or nation. The British men of war in this harbor testified their respect on the occasion, by displaying their colors at half mast; and I wrote a note to Captain King, the senior officer, expressive of my thanks for the respectful manner in which the ships under his command had noticed this mournful dispensation of Providence.

I shall leave orders here for Captain Elliot to testify the national respect for the character and services of these illustrious citizens; and the national sorrow for their loss, in like manner with ourselves, should he not have previously paid funeral honors at some other port."

S.

EXTRACT OF A LETTER FROM COMMODORE WARRINGTON.

Com. Lewis Warrington to the Secretary of the Navy.

U. S. SHIP CONSTELLATION,
Pensacola, August 10th, 1826.

"The John Adams is on the South side of Cuba: the Hornet is on the North side, watching the old Bahama Straits, Matanzas, and the Double Headed Shot Keys.

No piracies have been committed since my last letters. Depredations on our commerce are fortunately unheard of where they were formerly so frequent, and no interruption has been experienced by it.

I shall be off Cuba in a few days. The squadron enjoys health, and this ship to an uncommon extent."

T.

COPIES IN RELATION TO THE CRUISE OF THE SLOOP OF WAR LEXINGTON FOR THE PROTECTION OF THE FISHERIES.

Copy of a letter from W. B. Shubrick to Stephen Thacher, Esq. Collector at Eastport, dated

U. S. SHIP LEXINGTON, 19*th June,* 1826.

"I have arrived in this harbor, on my way to the fishing grounds frequented by the citizens of the U. States, for the purpose of protecting the said citizens in their rights; and, at the same, observing that they do not, on their part, give any just cause of complaint by trespassing on the rights of others.

I request that you will have the goodness to give me any information that you may have received on these subjects, and point out to me the fishing grounds most frequented by our citizens during this and

S. Thayer, Deputy Collector, to Master Commandant W. B. Shubrick.

CUSTOM HOUSE, LUBEC, *June 24th*, 1826.

"In answer to your letter of the 19th instant, I beg leave, in the absence of Mr. Thacher, to observe, that no information, which ultimately proved to be true, has been received the present year, that the rights of our citizens engaged in the fisheries have been infringed. The presence of an armed vessel of the United States on this station, the past fishing season, with the expectation that one would be sent the present year, to protect our rights, has had, without doubt, a most salutary effect.

The places most frequented by our citizens engaged in the fisheries, during the present and two succeeding months, are the Grand Menan Banks; the Nova Scotia Shore, from Annapolis to Cape Sable; the Bay Chaleur, round the Magdalen Islands; the Straits of Belleisle, and the Labrador Coast, as far as the Great Bay of Esquimaux."

Master Commandant W. B. Shubrick to the Secretary of the Navy.

U. S. SHIP LEXINGTON, *Eastport, June 26th*, 1826.

"Since my letter of the 19th instant, in which I had the honor to announce to you my arrival at this place, I have conversed with the Deputy Collectors for Eastport and Lubec, and have the satisfaction to say that I cannot learn from them, or from any other source, that any interruption has been given to the pursuits of the citizens of the United States engaged in the fisheries, this season."

UNITED STATES' SHIP LEXINGTON,
New York, September 5, 1826.

"SIR: In my letters of the 18th and 20th June, and the 6th of July, I had the honor to make you acquainted with my proceedings up to the last date.

After leaving Eastport, I passed South of the North Seal Island, West of the Island of Grand Menan, and along the coast of Nova Scotia, as far as Cape Canso. Passing through the Gut of Canso, I anchored at Entry Island, one of the Magdalen Groupe. Leaving the Magdalen Islands, I made the Island of Newfoundland at Cape Ray, run down the Northeast coast of the island, and anchored at the Bay of Islands. From the Bay of Islands, I continued down the coast of Newfoundland as far as Cape Rich, from which I crossed over to the coast of Labrador, and anchored at Blanche Sablon, and coasted from thence as far as 54° 45′ N. visiting, either with the ship or boats, all the harbors most resorted to by American fishermen.

I did not go farther North, because the navigation had become very unsafe, from the immense quantities of ice on the coast, and I

could not learn that any fishermen had gone beyond Greedy Island, in 53° 45′ N.

On the 1st of August, being then in 54° 45′ N. the ice extended, in apparently a solid body, from N. W. to S. E. Returning through the Straits of Belle Isle I met, on the 9th of August, the British sloop of war Orestes, Captain William Jones, and we anchored nearly at the same time, at Isle-au-Bois. After exchanging civilities in the most cordial manner, Capt. Jones and myself visited, together, the fishing establishments at Blanche Sablon and Brasdor.

A few days before I fell in with the Orestes, she had run against an island of ice, and lost her bowsprit. Fogs and strong S.W. winds kept us together for a week, during which time the most friendly intercourse was kept up between the officers of the two ships.

After leaviag Isle-au-Bois, I passed again along the North coast of Newfoundland, to Cape Ray, between Cape Ray and Capè North, and along the coasts of Cape Breton Island and Nova Scotia, with the intention of going again to Eastport; but, in consequence of light winds and thick fogs, I did not get to Cape Sable until the 29th ult.; when, finding that I could not go into the Bay of Fundy without a very great probability of being detained after the 15th of September, I determined to make the best of my way to this place.

The American fishermen in the Bay of Fundy have not experienced any interruption in their pursuits this season, nor have any complaints, so far as I could learn, been made against them. They, as well as the inhabitants of Eastport, speak in terms of approbation of the conduct of the present commander of the English brig of war Dotterel. Many of the difficulties complained of hitherto in the Bay of Fundy, have arisen from the circumstance of our fishermen, belonging to Eastport, Machias, and Lubec, having formed matrimonial connexions with the inhabitants of Grand Menan, and being induced thereby to visit the harbors of that island for other purposes than "for shelter," "repairing damages," "purchasing wood," or "obtaining water."

While in the Bay of Fundy I saw no British cruiser, except the one mentioned in my letter of the 6th of July. On the coast of Nova Scotia I saw not one American fisherman. I spoke almost every schooner that I saw, but they all proved to be from the small settlements on the coast, except an English schooner from Quebec, bound to Jamaica.

The American fishermen who have resorted to the Magdalen Island, have not, that I could learn, at any time experienced any interruption either from the cruisers, or from the citizens of any nation. They have taken their fish on the shoals around the islands, and, by agreement with the inhabitants, made (or cured) them on Amherst Isle, one of the groupe, loaded their vessels, and gone home; mutual harmony subsisting all the time.

On the Northwest coast of Newfoundland, not one American fisherman is to be found: they have been obliged to abandon all the fishing grounds around the island, in consequence of the vexatious conduct of the French cruisers, and the agents for the French fishing

establishments on the coast, who have driven them from the harbors, at times when shelter, if not absolutely necessary, was very desirable; not allowing them to procure wood or water, or even to take fish enough for their immediate use. This conduct operates with great severity on our citizens, as the best harbors in the Straits of Belle Isle are on the Newfoundland side, abounding in fish and bait, and affording great facilities for procuring wood and water. From this coast the ice clears at least a fortnight earlier than from the opposite one of Labrador, and hence, fish are to be taken here so much earlier. It was the custom of our fishermen, formerly, to take one-third, and sometimes one-half of their fares on the Newfoundland side, and *thence* cross to Labrador at as early a period as they can *now commence* their fishing. On crossing over to the coast of Labrador, American fishermen are to be found in great numbers, from Phillipiann Bay to Cape Charles; they have uninterruptedly pursued their occupation of taking fish, and only in one instance, that I could learn, has there been any demands made on them for the privilege of drying them on shore.

At Brasdor, a Mr. Jones, who claims to be proprietor of the surrounding rocks, has demanded from each American vessel, one, and sometimes two quintals of fish, for the privilege of drying them on shore; this has generally been acquiesced in cheerfully; some of the fishermen, however, complained to me, that they thought it an unjust exaction, because they doubted if Jones could prove his ownership in the rocks, they being separated from the main land. I conversed with Jones on the subject, and he promised me that he would procure from the proper office at St. John's, a copy of an official record, which would satisfy any doubts that might be entertained by the fishermen, or by any American officer, who might visit that place hereafter. My own opinion is, that Jones only excicises a right that is clearly his; he resides at this place all the year, and is, therefore, an inhabitant, as well as proprietor of the soil.

There has not been so many vessels employed in fishing this season, as for several seasons past, and very few have gone further North than Cape Charles. At Greedy Island, where Captain Parker found twenty or thirty sail, I found but one; at Indian Island none; and not more than six altogether, have gone as far as 53° 30′ north.

In all my intercourse with the fishermen, I have been at great pains to impress on their minds, that, while it is the intention of the Government to protect them in all their rights, it is, at the same time, bound to prevent them from trespassing on the rights of others; and that, I should feel it equally my duty to report any misconduct on their part, as to resent any injury done to them.

It gives me great pleasure to be able to say, that the conduct of all my officers has been perfectly satisfactory. I have, during a cruise made perilous by immense quantities of ice, thick, and almost constant fogs, inaccurate charts, and pilots unused to any vessel larger than a fishing smack, received from each, in his respective situation, the most zealous and efficient assistance.

I have the honor to be, Sir, very respectfully, your obedient servant,

W. B. SHUBRICK.

Hon. SAMUEL L. SOUTHARD, Secretary of the Navy, *Washington.*"

U.

PAPERS IN RELATION TO THE GREEK SHIP LIBERATOR.

HOUSE OF REPRESENTATIVES,
May 10, 1826.

SIR: The Committee on Naval Affairs have instructed me to inquire of the Department of the Navy, whether the arrangements made by the Department, for executing the act of the 29th April, 1816, for the gradual increase of the Navy, would be injuriously interfered with, if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the Government be authorized to purchase, in lieu of such frigate, for the Naval service, a ship of equal, or rather superior force, if the same can be procured for the United States on advantageous terms.

Your respectful and obedient servant,

H. R. STORRS,
Ch. Naval Committee.

Hon SAM'L. L. SOUTHARD,
Secretary of the Navy.

Copy of a letter from the Secretary of the Navy to the Hon. Henry R. Storrs, Chairman of Naval Committee, House of Representatives, dated 12th May, 1826.

In answer to your letter of the 10th, I have the honor to state, that I do not perceive that the arrangements made by the Navy Department, for executing the law of the 29th April, 1816. for the gradual increase of the Navy, would be, in any respect, injuriously interfered with, if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the Executive be authorized to purchase, in lieu of such frigate, a ship of equal or superior force. The timber may be so secured as to prevent any injury to it, and it will be necessary either for building or repairs, at some future period.

Copy of Instructions from the Secretary of the Navy, dated 29th May, 1826, *to Commodores William Bainbridge, Isaac Chauncey, and Jacob Jones.*

At the late Session of Congress, a law was passed, of which I enclose a copy.

It is understood that there are now lying at New York, two vessels coming within the description contained in the law, built by, or under the agency of G. G. & S. Howland, and of Le Roy, Bayard & Co.

It is the wish of the Department that you examine those vessels, with as little delay as practicable, and furnish a full report of their state and qualities, with an estimate of their value.

Copy of a letter from Commodores William Bainbridge, Jacob Jones and I. Chauncey, to the Secretary of the Navy, dated

WASHINGTON, 21*st June*, 1826.

We have had the honor of receiving your letter of the 29th ult.—We examined the two ships therein referred to, and think the one called the Liberator, the best adapted for the public service of the United States. Her size is that of a forty-four of the first class. She appears to have been faithfully built, though her frame, being of white oak, is, as respects the material, greatly inferior to that of the ships building under the law for the gradual increase of the Navy.

With respect to the "state and qualities" of this ship, we can only observe, that she is new and appears to be sound throughout—and from her form and dimensions we should judge favorably of her qualities.

We have carefully prepared, and now respectfully submit the accompanying estimate (A) as to her value, including her cannon and carronades, and such quantity of shot, (particularly mentioned in the estimate) as is allowed to a vessel of her class, about to proceed on a cruise of the kind stated in the inventory.

Copy of Instructions from the Secretary of the Navy, dated 12*th August* 1826, *to J. K. Paulding, Esq. Navy Agent, New York.*

I enclose to you an estimate of the value of the sixty gun ship, now lying at New York, said to have been built by Le Roy, Bayard. & Co. and G. G. & I. S. Howland, for the Agents of the Greek Government. By this estimate you will perceive, that certain materials for its equipment are embraced in the general amount. The legal title of the ship is now said to be in the arbitrators, who were selected to settle the controversy between the builders and the Greek Agents.

You are hereby instructed to place the papers before the district Attorney of the United States, for the State of New York, and obtain from him an opinion as to the right and power of the Arbitrators to transfer the title to the United States, should a purchase be made, and if it be his opinion that a good title can be made, you will obtain from him the papers necessary and proper to make the conveyance legal—and purchase said vessel from those authorized to sell it, for the amount of said estimate, viz: $230,570 97.

You may permit the Agents, or owners of the other Greek vessels, to take from this, any articles which are on board, designed for its equipment, deducting from the amount of the estimate the estimated value of such articles as are taken.

Should you make the purchase, let the vessel be delivered immediately to Commodore Chauncey. The amount of the purchase money has been remitted to you by this day's mail.

It is desired, that not the least delay be permitted in concluding this transaction.

(A.)

Estimate of the value of the Ship of War the Liberator.

Wood of every description for the hull, with a live oak frame, would cost $65.000. In this frame there are about 24,000 cubical feet. Live oak costs $1 42½, and white oak is estimated at 60 cents, difference 82½ cents per cubical foot, $19,800, deducted from the $65,000, leaves - - - - -	$45,200 00
Iron, - - - - - - -	9,795 00
Copper and composition, - - - -	27,140 00
Standing and running rigging, cables, hawsers, and messengers, per inventory, - -	12,698 00
Chain cables, 75 fathoms of 1⅝ / 45 do. 1¾ - - -	1,822 80
Boats, with oars complete, - - - -	1,885 00
Water casks, 33,300 gallons, - - -	3,330 00
Blocks, - - - - - -	5,000 00
Sails, - - - - - -	17,000 00
Anchors, - - - - - -	4,474 00
Labor of every description, - - -	55,000 00
Kentlege, 100 tons, - - - - -	4,000 00
Galley, - - - - - -	2,000 00
Armament. 32, 34 pound cannon, - - -	13,566 00
3,000 32 pound shot, and 900 32 pound grape - -	7,004 00
30 42 pound carronades, - - - -	5,550 00
1,275 42 pound shot, and 500 42 pound grape, - -	1,680 00
Gun carriages, and all the apparatus belonging to the armament, including the stores in the gunners' department, the magazine furniture, the forge, bellows, and all the articles belonging to the blacksmiths' department, per inventory, - - - -	13,426 17
	$230,570 97

Copy of a letter from Commodore Bainbridge to the Secretary of the Navy, dated 25th August, 1826.

We have had the honor of receiving your letter of 25th inst. with Mr. Constavlos, in which he claims an allowance for the masts and spars of the Liberator, as not having been included in the general estimate as to her cost.

On referring to the estimate, it appears that the wood of the masts and spars was included in the item of $65,000: the terms "masts and spars" were inadvertently omitted in the heading of that item; that the iron, as stated by Captain Chauncey, was also included, but it appears that the labor of making the masts and spars was not included in

the general estimate for labor: we therefore think that the value of this labor should be allowed in addition to the amount of the general estimate. There is some difficulty in forming a precise estimate as to the cost of this labor, but we think that $3,000 would be a liberal allowance—say three thousand dollars.

Copy of a letter from R. Tillotson, Esq. to James K. Paulding, Esq. dated New York, August 22, 1826.

I have examined the papers submitted to me in relation to the purchase of the ship Liberator. I find that the ownership of the property was legally acquired by the arbitrators, who propose to convey, and are of opinion they are competent to give a good title. The bill of sale to be executed by the arbitrators will of course be accompanied by delivery, and the register surrendered at the Custom-House by the parties.

Copy of a letter from Commodore Isaac Chauncey to the Secretary of the Navy, dated U. S. Navy Yard, New York, 28th August, 1826.

In pursuance of your order of the 12th inst. I took possession of the frigate called the Liberator, on the 23d inst. purchased by the Navy Agent, and this morning she was brought to the Navy Yard, where she is now moored.

W.

COPIES AND EXTRACTS RESPECTING THE AFRICAN AGENCY.

Secretary of the Navy to Dr. John W. Peaco, Principal Agent of the United States for liberated Africans, Washington.

NAVY DEPARTMENT, 28*th Dec.* 1825.

In virtue of the authority vested in him by the act of Congress, approved 3d March, 1819, the President of the United States has appointed you the Principal Agent of this Government "upon the Coast of Africa, for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade, by the Commanders of the United States' armed vessels."

Your commission has been already prepared and delivered; and you will receive, herewith, a printed copy of the laws in relation to the slave trade, for your guidance.

The instructions heretofore given to those who have preceded you in the discharge of this duty, copies of which accompany this, will exhibit the views entertained by the Executive, respecting the general

concerns of the Agency, at the various periods at which those instructions were written, and you will regard them as a guide to yourself, on those points in which they have not been executed or altered, and in which the situation of the Agency has not been changed since they were given. Time, and the progress made in improvements, since its first establishment, have lessened many of its wants, and in some respects, varied its character.

You will perceive that all the agents have been particularly directed not to connect their views, or in any way to interfere with those of the Colonization Society. From the circumstance that they have been simultaneously clothed with powers, both from the Government and the Society, it has been found difficult rigidly to adhere to this part of their instructions, located at the same place for mutual defence and accommodation; and the resources of the Society sometimes falling short of the benevolent intentions of its supporters, the colonists have frequently been dependent on the supplies, furnished by the Government for the use of the liberated Africans, for their own sustenance; and the agents, from motives of prudence and humanity, distributed provisions among the settlers, to preserve them from want and dispersion; but in this the Government has probably sustained no loss. In return, the colonists have contributed their labor, in the erection of buildings and other improvements, and to the defence of the establishment from attacks, which, without their aid, might have proved fatal, and would certainly have required larger expenditures of money.

A question has recently been submitted, how far the Government is disposed to sanction such a practice in future. The original instructions contemplated, and authorized the employment of a certain number of persons as mechanics, laborers, nurses, washers, &c. as a means of affording some stimulus and encouragement to the colonists in the infancy of the establishment, and the colonists were properly used in that way. How far a continuance of this course will be found necessary, or may be justified, must depend on the condition of the Agency, and be determined by the discretion of the agent.

It is probable that Congress, in passing the law and making appropriations for carrying it into effect, did not anticipate that the expense of the Colony would rest upon the Government. It was presumed that the Society would furnish the means to meet the necessities of its own establishment. Such, however, has not been the case; but it is believed that they have gone to the extent of their funds, and it is probable that they have not now the ability to afford much further succour, should it be necessary. But, as the Agency cannot be sustained without the aid of the Colonists; as they will be found indispensable auxiliaries in case of attack; and as their services, both in labor and defence, will merit compensation, you are authorized, until further orders, to employ them in both, as you shall find expedient and proper, and to make them a fit allowance of provisions and supplies, as their necessities may require, and the interest of the Agency demand; but in doing this, you will use the strictest economy.

Supplies from this country must always be precarious, and you will not fail, on all proper occasions, to impress upon their minds the necessity of their utmost endeavors to support themselves by labor and the products of the soil, and of not being dependent upon your assistance, or any other resources.

For the purpose of protection against attacks from the natives, should any of them manifest a disposition to be hostile, it would be prudent, as a measure of precaution, to teach both the colonists and the liberated Africans the use of small arms. From their remote and insulated situation, they must rely on their own exertions for defence by land. It is to be hoped, however, that the increase of numbers in the settlement, their preparations and constant readiness to repel invasion, together with the occasional presence of a vessel of war, will deter the natives from any future attempts to molest them.

The necessity of keeping a military force in the pay of the Government, is not sufficiently apparent to authorize such a step, in the present condition of the colony, or without farther evidence of its utility. It is believed that the residents can be more profitably employed in the cultivation of the soil, and the erection of buildings, and other improvements, required by an augmented population. By organizing themselves into a local militia, for occasional drill, at stated periods, all the purposes of a military force will be obtained, without incurring the expense. It should not be forgotten by them, that, while they are acquiring knowledge in the science of war, they are creating a safeguard for their own protection, as well as for that of the interests of the Government. Heretofore the agency and colony have been mutually beneficial in this respect; without the presence of the colonists, the United States would have been subjected to greater charge for military protection, but without the assistance afforded by the Government, in maintaining the colonists, they could not have succeeded in their plans. It is very desirable that the re-captured Africans should remain at the Agency, so long as to require some knowledge of the arts and comforts of civilized life, but should any of them discover their nation and country, and desire to return to their homes, you will not oppose their wishes, but facilitate and promote them. For the large number of Africans, now in Georgia, who have been decreed to be restored to liberty, and whom, it is intended, to remove to the Agency, as soon as some preliminary steps are completed, it will be necessary to provide shelter and means of comfort on their arrival. It will be your duty to take immediate measures to prepare for their reception, as they will probably reach the colony by the time you are ready for them. Various buildings have, from time to time, been authorized, but their capacity for the accommodations of these Africans, in addition to those already there, cannot be determined, except by personal observation. A quantity of lumber, and other articles, has been purchased and shipped on board the Georgiana, and buildings have recently been erected with such materials as were on the spot. The plan fixed upon, by the Acting Agent, has no doubt been adopted as most suitable to the climate. The buildings must be finished in the simplest and cheapest manner.

It is understood to be the intention of the Colonization Society to appoint Mr. Ashmun their principal agent on the coast. He has had the active charge of the agency of the Government constantly since the resignation of Dr. Ayres, and occasionally previous to that event. He will be continued as your assistant agent. His salary was, heretofore fixed at 1,500 dollars, until the further orders of the Department, and will cease upon your arrival. He will be allowed, from that time, at the rate of 1,200 dollars per annum. From his long residence in Africa, his experience in the affairs of the agency, and acquaintance with the manners and habits of the natives, you will derive advantage, and, it is not doubted, that his cordial co-operation will be promptly afforded in all matters tending to promote the interest of the establishment.

You will keep very exact and minute accounts of all expenses of the agency, of every description, and, as far as it is in your power, separate those which arise from the provisions and support given to the *colonists*, from the other expenditures for the agency, for recaptured Africans. You will prepare quarterly statements of the condition of the settlement, its general health, and the progress made in the various departments, together with estimates of the wants of the agency, in advance, and care will be taken to supply those wants as early as practicable. Your accounts of expenditures must also be made out quarterly, and forwarded to the Fourth Auditor, for examination and settlement; prudence will dictate to you the necessity of taking duplicate or triplicate receipts for all payments. These you will transmit by the earliest conveyances. Whenever opportunities occur, by circuitous routes, for communicating with the Department, it would be well to avail of them, as direct ones are not frequent, and to send duplicates and even triplicates of all your communications, by different conveyances, and that no opportunity may be lost, you will be careful to have them regularly prepared, to take advantage of any conveyance that may offer. Commence your quarters with January, April, July, and October.

For the disbursements of the agency, and the purchase of supplies from transient traders, you will negotiate drafts upon the Department; and if it will facilitate the operation, or be any accommodation to the holders, you are authorized to make them payable wherever Branches of the United States' Bank are located. The sum of five thousand dollars, it is presumed, will be sufficient for the ensuing year. Should it be found more for the interest of the Government, or impracticable to dispose of drafts on the United States, you are permitted to draw to the amount of five hundred pounds sterling on Messrs. Baring, Brothers, & Co. bankers of the United States, London, with whom a credit will be established in your favor. For every bill you will transmit a letter of advice to the Department, stating the amount, rate of exchange, and necessity for drawing; and you will also advise Messrs. Barings, Brothers, & Co. of every draft on them.

A claim of long standing has been preferred by K. Macauly, of Sierra Leone, which you will receive separate instructions to liqui-

date. In the event of your having to draw on London for the amount which may be due to him, your credit there will be extended to one thousand pounds.

The Navy Agent at Norfolk has been directed to pay, upon your requisition, for two boats, with the necessary appendages. The small arms, and other military stores mentioned, will be provided from the navy yard at Gosport. The hospital stores mentioned in the list furnished by you, you will purchase in Baltimore or Norfolk, on the best possible terms, and draw a requisition upon the agent there for the cost.

Your compensation has been fixed at $1600 per annum, to commence from the first day of February last, and the further sum of $500, which will be allowed for providing the small stores requisite for your convenience on the passage, and on your arrival.

It is intended, in a short time, to send to the coast of Africa, for a cruize, one of the vessels of war, and hereafter to send one at intervals of three or four months, should the situation of the service permit it. In this there will be two objects—to give countenance to the agency, and to repress the slave trade. Your duty in reference to them will be, to acquire and furnish to the commanding officers, all useful information in relation to these objects, and to give to our vessels all the assistance, especially in the medical branch of the service, in your power. Your skill may often be useful in advising, and aiding the medical officers, in cases of sickness.

You will proceed, as early as practicable, to Norfolk, in the execution of the trust reposed in you, by your appointment, and the duties enjoined by these instructions, to take passage on board the ship Georgiana, Captain Cornick, which vessel has been chartered by the Colonization Society for the purpose of taking a number of emigrants, stores, &c. to Cape Mesurado.

The remoteness of the settlement from this country, the difficulty and tardiness of communications, render it necessary to trust much to the discretion of the agent. Relying with confidence upon the exercise of a sound judgment, a strict attention to economy, and unremitted endeavors for the improvement of those placed under your care, my best wishes for your individual welfare are united to those of a large portion of this nation, who look forward with earnest hope for the success of this beneficent undertaking.

Secretary of the Navy to Jehudi Ashmun, Esq. Cape Mesurado, (Africa.)

NAVY DEPARTMENT, 31*st Dec.* 1825.

Since my letter to you of 25th January last, I have received your several communications 15th, 20th, and 25th January; 11th and 22d February; 1st and 5th April; 15th June and 22d August, with their respective enclosures, the contents of all which have been duly noted.

Your representations of the situation of the Agency and Colony afford a pleasing proof of the increasing strength and improvement of

the establishment, creditable to your zeal and the industry of those under your charge. The recent appointment of Dr. Peaco, as principal agent of the United States, will supersede that previously conferred on you, and your salary as such, will cease from the time of his arrival. You will, however, be continued as his assistant Agent, and allowed a compensation at the rate of $1200 per annum.

I have no doubt that you will render Dr. Peaco, all the assistance in your power, and that from your long residence in Africa, and acquaintance with the natives, you will be essentially useful to him.

I have directed the Fourth Auditor to furnish a statement of your account, which will accompany this; your Salary has been calculated to the present day, and the balance that may be due will be paid to the Rev. Wm. Hawley, as your Attorney, or in any other manner you may direct.

Secretary of the Navy to Hon. John Marshall, Chief Justice of Supreme Court, Richmond, Virginia.

NAVY DEPARTMENT, *5th January*, 1826.

I have received your letter of the 1st instant, requesting information concerning the negroes in Georgia, which were on board the Gen. Ramirez. Arrangements were made last Summer for carrying into effect the decision of the Supreme Court, by transmitting its mandate to the United States District Attorney in Georgia. Some difficulty has arisen in consequence of the Spanish claimant insisting that those decreed to be delivered to him, should be determined by lot, instead of by proof on each individual negro. On a reference of the question to the Circuit Court, there was a division of opinion, and it was determined to submit it to the Supreme Court. This will cause some delay in the delivery of the Africans to the United States, many of them had been brought into Savannah, by those to whom they were hired, and put into the custody of the Marshal, and the rest were soon expected.

Dr. Peaco, the Agent appointed by the Government, will take passage in the vessel chartered by the Colonization Society, which it is supposed will sail soon, and has been instructed to prepare for their reception. Immediately on his arrival, no time will be lost in sending these Negroes to the Agency, after the Supreme Court shall have decided upon the mode in which they are to be allotted.

Secretary of the Navy to R. W. Habersham, Esq. United States' Attorney, Savannah, Georgia.

NAVY DEPARTMENT, *3d January*, 1826.

I have received your letter of the 22d ultimo, respecting the proceedings in the case of the negroes of the Ramirez. That portion of it

which related to the decision of the Spanish rights by lot, created surprise, as it was supposed that the question had been clearly settled by the opinion of the Supreme Court. But, in the present situation of the case, all that can be done is to expedite the settlement of the question, and the collection of the negroes, as much as possible; and I have only to request the favor of your active attention to every part of the case, and that I be constantly advised of the progress which you make.

Secretary of the Navy to John Nicholson, Esq. Marshal of the District of Louisiana, New Orleans.

NAVY DEPARTMENT, 10*th January*, 1826.

I have received your letter of the 7th ultimo, enclosing copy of one of 23d July, the original of which was also received in due time, but no directions were given at the moment, presuming that the necessary steps would have been taken to have the Africans brought to trial before the answer could have reached you.

I have written to the District Attorney of the United States to adopt such measures as may seem proper to bring the subject before the court for decision, and to consult with you upon the course to be pursued. In the mean time, if the Africans can be hired out to humane and discreet persons, giving bond for their appearance when called for, it would be best to do so, to avoid the expense of their maintenance; otherwise they must be provided for, and taken care of, until the decision of the court.

In the event of their being hired, you will submit to the Department an account of such moneys as may be received for their labor, and the cost of their support from the time of seizure; also, a statement of your other proceedings in relation to them.

Secretary of the Navy to J. W. Smith, Esq. United States' District Attorney, New Orleans.

NAVY DEPARTMENT, 10*th January*, 1826.

I am informed by the Marshal at New Orleans, that a number of Africans have been seized by the Revenue Officers, in an attempt to introduce them into the United States contrary to law, on board a schooner called the Fell's Point.

I have to request that you will take such measures, in conjunction with the Marshal, as may seem necessary and proper to have the Africans brought to trial before the United States' District Court, and inform me of its decision as soon as it may be made known.

Nothing can be done, as to their final disposition, until the decree of court determines to whom they are to be delivered. Your early attention to the subject is particularly desirable.

Secretary of the Navy to R. W. Habersham, Esq. United States' District Attorney, Savannah, Georgia.

NAVY DEPARTMENT, 10*th August*, 1826.

It is extremely desirable that something should be done towards removing the Africans of the General Ramirez out of the country, as the expense of their maintenance will soon absorb the amount appropriated by Congress.

It is understood that the Supreme Court determined the mode in which the division was to be made among the claimants, and it can now only remain for the Circuit Court to give the necessary order.

Will you be pleased to inform me what has been done since the last term of the Supreme Court, and whether there is anything absolutely to prevent the delivery of the Africans. If only a part of them could be sent off, it would reduce the expense of their support. I also wish to ascertain what is their present situation, and if an arrangement cannot be made with the Portuguese claimant for the delivery of a portion, or the whole, without an order of Court, should it be impracticable to obtain it immediately.

United States' Agency for liberated Africans,
Cape Mesurado, October 14*th*, 1825.

SIR: I have the honor to state that an unexpected event has augmented considerably the number of liberated Africans connected with this agency.

The Spanish schooner "Clarida," of about eighty tons. Capt. —— master and supercargo, with an assorted cargo, adapted to the slave traffic of this coast, owned by several merchants of Havana, names unknown, sailed from that port on the 30th of May last, having on board a crew, including officers, of twenty to twenty-five men. Ostensibly she was, in all respects, regularly documented, except the specification in her clearance of the objects of her voyage, which is disguised under the general phraseology of "trade in the productions of the country."

This vessel arrived in Liberia bay early in July, and about the 20th of that month, having contracted with several native slave dealers of the neighborhood for 140 slaves, to be delivered in three months, commenced landing her cargo, at a town sixteen miles to the Northward of this cape, belonging to an intelligent head man, who passed by the name of Yellow Will, in the territory, and subject to the jurisdiction of King Bristol.

About the first of September, merchandise equal in value to the purchase of one hundred slaves had been sent ashore, and nearly all distributed under the direction of the two chiefs already mentioned. Before the 20th she had lost both her anchors; and to sustain her ground was obliged constantly to stand off and on, under easy sail, at about two leagues from the shore.

The Captain had remained at the factory from the first; but falling sick late in September, went on board on the 30th of that month; leaving in his place, to conduct the business of the factory, his mate, Zugaste assisted by two seamen of the names of Juliana and Baptiste. The Captain, who had been some time ashore, preparing light spars to accelerate the return voyage of the schooner, also remained.

On the 5th of October inst. the English merchant hermaphrodite brig "Tom Cod," of Bristol, Eng. Capt. Potter, a well known trader on the coast, standing down the bay from Cape Mount, fell in with the "Clarida," off Digby.* The schooner, after standing along a short time in the track of the Englishman, hailed and demanded, "where bound," was answered, "to Mesurado," and continued on about half a mile astern of the "Tom Cod," until the latter vessel cast anchor in our roads, at one o'clock on the same day. The Englishman running up his ensign on coming to an anchor, was answered by the hoisting of the Spanish flag on board the "Clarida."

The Spaniard lay by until half past six, P. M. when, approaching the "Tom Cod." under cover of the night, (which here commences at that hour) sent her boat with twelve armed men alongside, who instantly boarded, but without offering any violence.

They inquired if they could be furnished with an anchor, and stated that they had had the misfortune to lose their own. On receiving a negative answer, and having accurately examined the force of the brig, they all went on board their own vessel, declaring at the same time, that "an anchor they must have, and might as well perish in fighting for it, if they could not obtain it by other means, as to be lost for the want of one."

At seven, the Spaniards came abreast of the brig, at half pistol shot distance, and ordered the officer of the latter to weigh his anchor. With this order, the mate, who in the absence of Captain Potter ashore had charge of the vessel, refused to comply; when the Clarida fired two shots in succession into the Tom Cod from a long revolving nine pounder; and, immediately after, sent eighteen armed men on board of her, who took possession, driving her crew forward, and forcing them to weigh their anchor and make sail. Both vessels then stood out together two leagues, when the anchor of the brig was let go in 18 fathoms. All these operations were directed by the Spaniard, who had taken his station on the quarterdeck of the brig. The vessel was also steered by a Spaniard; but worked by their own crew, who acted from compulsion; the pirates being ranged fore and aft, with their arms in their hands.

A communication was now formed, by means of a strong rope bent to the bight of the Englishman's chain cable, and taken on board of the Spaniard. The end of the chain thus secured was then slipped, roused aboard of the Clarida, and bent to her windlass.

The Tom Cod was detained by another anchor, let go for the purpose, till four o'clock on the morning of the sixth; when the pirates,

*Bristol's territory, commencing ten miles, and extending twenty, from Cape Mesurado, is distinguished by this name.

after plundering her cabin and deck of a variety of articles, left her, went aboard of their own vessel, weighed the anchor which they had taken from the brig, and made sail. The brig being thus liberated, weighed her anchor, stood back to Messurado roads, and made the agent acquainted with the transaction, at four o'clock on the same evening.

Having received the testimony of six individuals, all going to prove the piracy and identify the Clarida, and obtained of Capt. Potter the use of his brig to punish the pirate, I dispatched a messenger on the morning of the 7th, to all the native chiefs to the northward of the Mesurado, to assure them that whatever military movements might be necessary for me to make along the beach, none was to be directed against them; and that it was expected on their part, that they were to interfere with those movements in no way whatever.

The military of this colony is organized into a corps of Independent Infantry, consisting of thirty-six young men, and a corps of Artillerists, consisting of forty-eight. From the former I made a requisition of twenty-five men, to act under Capt. James C. Barbour, their commander, and their other officers. Twenty-two Artillerists, under Captain F. James, the commanding officer of their corps, at my request, volunteered to attend me on board the Tom Cod.

I then gave Capt. Barbour written instructions to proceed the same evening with his force, taking two days provisions, to the mouth of the St. Paul's, five miles; sending one division by the Stockton, in boats, and conducting the other along the beach, encamp at the place of rendezvous till daylight on the 8th, and then advance by the beach upon Digby, awaiting further orders which I was to send him from the brig.

But should the brig by any accident fall into the hands of the pirates, or pursue her out to sea, he was to seize upon the factory at Yellow Will's, and make the best of his way back with the prisoners, slaves, and property captured in it. In this young officer's prudence and intrepidity, and in the exact discipline and firmness of his men, I knew I could entirely confide.

With the twenty-two volunteers under Capt. James, I went on board the Tom Cod at four o'clock, taking along two carriage guns, and a suitable provision of ammunition, belonging to the agency. Of these brave fellows, eight had, on two former occasions, fought at my side for nearly three hours, in our bloody conflicts with the natives; and I knew they would all follow wherever it might be necessary for me to lead them. Their number was greater than the crew of the Spaniard by six men, and our weight of metal considerably superior; so that there is little doubt, had we fallen in with the pirate, that she must have been taken. But it was not our lot to engage him.

During the night I had brought the brig to the windward of Digby, upon which we bore down, under the American flag, at daylight on the morning of the 8th, ready for action. The morning was thick, and it was not until half past one o'clock that I was able to ascertain the absence of the Clarida; whom I afterwards learned, had not

communicated with the shore, nor been seen from Digby, since the robbery of the brig.

Capt. Barbour's division having now arrived I landed with five men through the surf, ordering the brig to lie off and on, till she should receive a signal to return to Mesurado; and at a few minutes past nine, entered Yellow Will's town; but found the factory abandoned, and the slaves and nearly all the property gone. I soon learned that the whole had been conveyed across Poor river, a broad and deep stream, which has its course parallel with this part of the coast, and at only two miles distant from it.

Messengers were immediately despatched to King Bristol and Will, conveying my friendly assurances; but insisting on the immediate delivery of the Spaniards, and all the slaves and property belonging to the factory, into my hands. In reply I was *openly* informed, that both refused to comply with the demand, but assured *secretly*, by one of the headmen, that the King was willing to see me seize upon the concern, provided the business could be so managed as to save the appearance of treachery to their customers, on the part of himself and his people.—I perceived the force and intention of this hint at once, and took my measures accordingly.

After a personal interview with Bristol and Will, I returned, and with twelve men, crossing the Poor river in a small canoe which could carry but four men at a time, soon obtained possession of the Spaniards, at a town situated a short distance from that in which the wreck of the factory was concealed.

In the mean time I had perfectly informed myself of the exact state of the concern at that time.

Two of the four Spaniards left ashore were ill. Goods of the value of ninety slaves had been already advanced to the country dealers, on which only fourteen had yet been received at the factory. Goods equal in value to about six hundred dollars only, remained in the factory on the morning of the 8th, when, in the confusion caused by the alarm at daylight, nearly the whole had fallen into the hands of the country people; who, under color of assisting the Spaniards to secure their goods, had carried them off. But the fourteen slaves had been preserved.

None of the four Spaniards now in my custody were on board the Clarida at the time of her committing the piracy of the 5th, nor had communicated with her since that act; and there was not even presumptive proof that the character of the vessel was piratical by the laws of Spain, previous to the perpetration of the robbery of that date.

The slaves and all the property remaining, were surrendered into my hands by the mate, Zugaste, at three o'clock, on the 9th, and the four Spaniards discharged from custody on the grounds just stated.

A part of the goods, as per the accompanying statement, amounting to forty-three dollars, was restored to the mate, for the purpose of subsisting himself and his companions, till an opportunity should offer to take passage for some other part of the world.

After several other deductions for expense, as per the same statement, the residue, amounting to $91 50, was equally divided between

the captors and the United States, as had been promised to the people previous to their engaging in the expedition. The nett balance remaining to the agency after all charges and demands paid, is $5 34½ cents, which has been deposited in the public store, to be applied to the expenses of the agency for liberated Africans.

The English brig was restored to her own Captain, and, after landing the guns and colonists at Monrovia, proceeded on her voyage in the night of the 8th, and myself, with the detachment of infantry, bringing in safety the liberated slaves and merchandise, arrived in town on the 10th. The weather had been exceedingly rainy, and the return of the detachment was delayed a day, in consequence of two of the poor slaves, unable to comprehend the intention of the interposition, which had so suddenly broken their irons and given them their freedom, having absconded under the cover of the night, and secreted themselves in the woods. But I have the satisfaction of announcing their speedy recovery; and that the whole number, consisting of one boy of eleven years, eleven youths between fifteen and twenty-two, one man of thirty-eight, and one woman of about twenty years, in all fourteen persons, are now, through the munificence of the United States Government, and the active zeal of the settlers, decently clothed, comfortably fed, and introduced at once to the blessings of liberty, Christianity, affectionate friends, civilized life, and a permanent and peaceful home. I procured an engagement to be entered into by the country authorities, the observance of which may be depended upon, to suffer their people to communicate no more with the Clarida, in the event of her returning; and in no case whatever to furnish her with a single slave. That vessel may indeed escape capture, as I have no craft large enough to take her, but she is thus sure to lose her cargo and voyage.

A quantity of spars belonging to the schooner, found at Will's place, were burnt; and the rice collected at the factory, which could not be conveniently brought off, was distributed among the natives.

Most of the poor beings restored on this occasion to liberty, are natives of countries situated at a distance in the interior of Africa; had been several months in irons when liberated; and are in a very emaciated and miserable state. Their gratitude to their deliverers is unbounded, which they delight to testify by every mode of expression in their power. I have, by a temporary disposition, connected them in couples with the families of the most humane and respectable of the settlers, where they will remain until their health shall have been re-established, and they have acquired some knowledge of our language, and of domestic life among a civilized people. Before these objects shall be accomplished I hope to have prepared a new range of houses, already considerably advanced, at Thompson-Town, for their reception.

In this little expedition, it gives me great pleasure to state that not a musket was fired, not one untowardly accident occurred, not a point of duty was neglected or otherwise than most handsomely performed by the officers—not an instance of disorderly conduct was ob-

served among the 54 men who composed the force employed on the occasion. The order for respecting the persons and property of the natives was so punctually obeyed, that, by their own declaration, and to their utter astonishment, not a fowl nor a plantain was taken, nor even hut entered, except with consent, by the people, even in Will's Town, which was entirely deserted of its inhabitants, and in which the whole body encamped for 48 hours.

I have, since my return, already received from the country Princes several deputations conveying their thanks for these substantial proofs of my friendly disposition towards themselves, even where it became necessary to carry the arms of the settlement into the heart of their country. The policy which, in the face of some opposition, and much misrepresentation, from such as were incapable of understanding it, I have for nearly four years most scrupulously observed, in all my intercourse with the People of this country, has been that of justice, sincerity, mildness, and firmness: and its success has on this occasion appeared to be complete. I never menaced them with an empty or unnecessary threat; never failed to carry into full effect an intention once announced, and never forfeited my word. While a similar policy is persisted in on the part of this establishment, I do not hesitate to assert that no reasonable demand made by it on the native authorities will be refused.

In these remarks I have in view the introduction of a measure, on the part of the United States, for which, I believe, the time has arrived, of which the object shall be, entirely to abolish the slave-trade, with the concurrence of the native authorities, along a given line of coast contiguous to this Agency. But the particulars of this plan it is proper to defer to a distinct communication. The object, if it can but obtain the sanction of the United States Government, is practicable; and all the means necessary to effect it are on the spot.

Nor can I, in closing this communication, suppress the mortifying fact, that whenever the American flag is displayed at this Agency, it literally waves over, and, I can add, *affords protection to*, a slave factory, established in the immediate neighborhood. In the short expedition just terminated, it was with emotions of indignation which it was impossible to repress, and idle to indulge, that I was obliged to conduct the little force under my command past two slave factories, of which the most distant is only five miles from the Cape. We heard the clanking of fetters as we marched along, and were annoyed with the groans of human beings who had lost their freedom without their fault—but, as their tyrants, who regarded us with folded arms, and a leer of barbarous exultation, had not committed piracy, according to the Spanish definition of the crime, it was not in my power to interfere for the relief of the one, or the punishment of the other.

Respectfully, Sir, I have the honor to remain,

Your obedient and humble servant,

J. ASHMUN.

To the Hon. S. L. SOUTHARD,

Secretary of the U. S. Navy, Washington.

U. S. AGENCY FOR LIBERATED AFRICANS,

Cape Mesurado, October 25, 1826.

SIR: I had the honor, in my last, of the 14th instant, to detail the circumstances connected with the capture of the slave factory, belonging to the piratical schooner "Clarida," at Digby, and the liberation of fourteen miserable slaves found in that iniquitous establishment. It is with pleasure that I have to subjoin to the communication of that event, that of the liberation and safe arrival at this Agency, of six more unfortunate persons of the same description, all men, and, except a single child of nine years, between the ages of eighteen and thirty years—who appear to have belonged to the same concern.

It will probably be in the recollection of the Honorable Secretary that the "Clarinda," after perpetrating the robbery of the 5th inst. immediately disappeared from this part of the coast. She has not since been heard from; having abandoned her factoty, and three seamen left on shore at Digby, as stated in my letter of the 14th. These persons, I had, in the exercise of my duty, entirely deprived of the power of effecting any further purchases in the line of their inhuman traffic; but did not consider myself authorized to take them into custody. They have accordingly since remained at Will's Place, under the pretext of awaiting an opportunity to return to Spanish America.

But, on the 20th, information was brought me of the delivery of several slaves at the factory, by dealers living at a distance in the interior. On strict inquiry, I soon ascertained the fact to be as reported, with the additional circumstance, that a collusion was carrying on between Yellow Will and the Spanish factor, having, for its object, the sale of the slaves in the name and right of the former, who was to share the proceeds, at a French factory on the St. Paul's.* To the practice of this deception the parties had been induced, in the hope of evading an engagement, by which I had previously obliged them to be in no way assisting in the collecting and transportation out of the country, of any of the slaves bargained for, or that might be bargained for, by the "Clarida." No time was accordingly lost in concerting the means of preventing the probable effects of this unprincipled combination, and rescue its intended victims from the power of their mercenary oppressors.

On the 25th instant, I ordered Captain Barbour to make a requisition for twenty-five men, or accept a voluntary tender of that number, from his corps of Infantry. Then he was, at sunset of the same day, to march under arms to the mouth of the St. Paul's, where he was to arrive at 8 o'clock the same evening, and expect further orders. The object of the expedition was not divulged.

At 2 o'clock, P. M., taking a boat's crew of natives, with a guard of three men only, in a plain dress, I proceeded by way of the Stockton to the St. Paul's; and, after calling at the town in which the

* Distant fifteen miles from Cape Mesurado.

French factory is established, and familiarly paying my respects, as I had often done before, to the proprietress of the place, with a view to allay any excitement which might grow out of the subsequent movements, I dropped down to the place of rendezvous, at the mouth of the river, at half past six. Captain Barbour and his followers arrived punctually at eight. At ten o'clock, having fresh instructions, he passed the river, and conducted his men without halting to the place of destination, where he arrived at two, on the morning of the 26th, and had posted the sentries on all the avenues communicating with the town, before the inhabitants were apprized of their situation. The slaves, seven in number, had been conveyed away to a place of concealment two hours before, in consequence of information of our movement having reached the place at that time, which, I regret to add, had been communicated to a native, through the officiousness of some misguided member of the Colony.

In consequence of this accident, and of the various obstacles to the recovery of the slaves which it gave to the ingenuity of the interested native Chief, occasion to throw in the way of the spirited young officer who conducted the party, one of the captives escaped into the bush, from the hands of his unknown liberators and friends, and the surrender of the other six did not take place till ten o'clock on the same morning. They were at the time cruelly pinioned, and several of them enduring, from the enflamed and swollen limbs, the severest torture. The child was in so emaciated a state, as to make it necessary for one of his most robust fellow sufferers to carry him on his shoulders.

The whole party returning, arrived at Monrovia, in safety, after a most fatiguing expedition of twenty-five hours; in which all, except myself and a guard of seven men only, including the boatmen, had, without sleep, performed a forced march of thirty-five miles, through a pathless country, of which one half was traversed in the depth of night, and the other under the full power of an African sun.

It gives me pleasure to add, that such a cheerful zeal in the cause of African emancipation animates this little corps, that not a murmur of impatience was, during the whole time, heard in the ranks. So inured are the men to the climate of their adopted country, that not an individual has suffered in his health from the extreme exposure and fatigue of the expedition; and in such handsome military style was the affair conducted, that the very inhabitants of the country through which the route of the party lay, were scarcely apprized of the movement, before its termination in the return of the people to their homes.

Respectfully, Sir, I have the honor to be,

Your most obedient and humble servant,

J. ASHMUN.

The Hon. SAMUEL L. SOUTHARD,
Secretary of the U. States Navy.

AGENCY, *October* 28, 1825.

SIR: Having this morning renewed an agreement with the principal native slave dealers, among whom the cargo of the "Clarida" has been distributed on credit, of which the object is—*to prevent the sale and transportation out of the country, of the slaves due to that concern*, I hasten to communicate the particulars, in the hope that the part I have taken may be considered as within the spirit of the instructions under which I have the honor to act.

I am far from regarding myself as authorized to interfere, *in ordinary cases*, in that branch of the naval service of the United States, which is directed by express acts of Congress, and under specific instructions from the Supreme Executive, against the slave trade. From such interference I have carefully abstained, even when it has been in my power to operate against the traffic as carried on by Americans, and with every prospect of success.

I justify the recent exertion of the military force under my control, in the affair of the "Clarida," on the broad principles of natural law, which confers, even on private individuals, the right of self-defence against the violence of the outlaws and enemies of the human race. In the exercise of this right, which, in the actual situation of the settlement, I cannot help considering rather in the light of a serious duty, twenty slaves, without legal owners, have been thrown in my way; together with the right of controlling the purchase of from forty to eighty more: the number actually bargained and paid for, by the piratical schooner, being one hundred.

I regard myself as undoubtedly possessed of the *right* to control these purchases; but, without resorting to expedients, my actual power to do so is extremely limited. For the dealers in the interior hearing of the destruction of the factory, and under a strong temptation, after converting the goods received into slaves according to the contract, to send them singly to Cape Mount, Gallinas, and other slaving stations, and there dispose of them for their own benefit.

The coast dealers, over whom I can exercise some control, are under an equal temptation to violate their engagements just entered into with myself, to deliver the slaves to the agent at this place; and by collusion with inland dealers, have it in their power so effectually to cover any indirect practices in the matter as to prevent their detection. And this, in my opinion, they are certain to do, if the motives employed to assure their honesty are addressed only to their fears.

Hence, I am reduced to the alternative either to relinquish the hope of rescuing from perpetual bondage the whole of the eighty slaves purchased, or to be purchased, with the cargo of the schooner, and who are not yet delivered, or to engage to pay, on their safe arrival and surrender to the United States, at this agency, a small reward.

The latter is the course pursued. I have fixed the reward at ten dollars each, the lowest sum which, after paying for the safe-keeping and conveyance of the slaves to the cape, will offer an inducement

sufficient to counteract the temptation to send them off to a market where their full value may be realized the second time.

Under all the circumstances of this case, I beg leave to state, that, in stipulating the payment of this small sum I have acted in the confidence that the object is virtually embraced in the appropriations made under the act of Congress of "March 3d, 1818 in addition to the acts prohibiting the slave trade." The sums necessary to be advanced for these ransoms I shall, however, pay, in the first instance, out of my own pocket, and present an account of the same, which I trust will be refunded by the Government of the United States.

I have also to submit, whether the bounty allowed by 4th section of the same act, to such as aid in the liberation of the slaves unlawfully detained in bondage, of fifty dollars for every negro, mulatto, &c who shall be delivered to the marshal or agent duly appointed to receive them, is not, in *substantial justice*, and may not be considered as *legally* due to the captors of the twenty individuals whose liberation is the subject of this communication In my opinion effects much more important than the value of the money itself, might follow from the payment of this bounty either to the managers of the American Colonization Society, or to the militia employed in the rescue of the slaves.

Respectfully, Sir, I have the honor to be
Your obedient humble servant,
J. ASHMUN.

The Honorable Mr. Southard,
Secretary United States Navy.

U. S. Agency for Recaptured Africans,
Cape Mesurado, December 8th, 1825.

Sir: I have the honor to state that another unforeseen occurrence has placed at my disposal the large additional number of *ninety-nine* Africans, whom I caused to be released from their irons this morning at 8 o'clock; and whom I judge to be proper objects of the beneficent provision made by the Government of the United States for persons liberated from illegal bondage, under the laws for suppressing the Slave Trade.

On the 4th of November, four of the men liberated at Digby on the 9th of the preceding month, impelled by that innate love of country, which none of the vicissitudes of life can extinguish in the human bosom, deserted from the establishment passed the Mesurado river, and disappeared in the boundless woody region which extends to an unknown distance in the interior.

Knowing that if not speedily brought back, they must inevitably terminate their desperate enterprise in hopeless slavery, I had recourse, without delay, to every means for their recovery which promised to succeed, but to no purpose. Intelligence of their desertion, with the offer of reward for their restoration, was immediately con-

veyed to the different tribes in friendly correspondence with the settlement, but no information was had of the fugitives before the 5th inst. when I received, from a source entitled to credit, intelligence that three of their number had been reduced to slavery and loaded with chains at the French Slave Factory, on the St. Paul's, five miles (direct distance) from the Cape.

On the morning of the 6th I despatched three men to demand the deserters in the name of the United States; and to inquire by what means they had fallen into the hands of the Factors.

The demand was evasively replied to, but, in answer to the inquiry, it was stated that two Frenchmen, agents resident at the Factory, had bought them. I then instructed the messengers charged with the order, to repeat it; they did so, but with no other effect than to draw from the two factors a written declaration of their purpose to detain the people indefinitely.

Finding the recovery of the men by mere rational methods too doubtful to justify any further delay, which, as a French schooner was lying near, ready to receive slaves, might subject them to be transported in a very few hours forever beyond the reach of the Government of the United States; and obliged to regard the ground taken by the Factory as that of virtual defiance, which justified, from a growing concern founded in avarice and iniquity, the apprehension of eventual consequences fatal to the benevolent objects of this Agency, I had no hesitation in resolving upon the unpleasant duty of forcibly subverting the establishment altogether.

Capt. James C. Barbour, of the Infantry, with eighteen men, was accordingly charged last night at 9 o'clock with the accomplishment of this service. Two boats were provided, in which this little force embarked at two o'clock this morning.

Ascending the Stockton, they arrived on the St. Paul's at day break, twenty minutes afterwards the men were landed at the Factory. In ten minutes the slaves to the number of *forty-three* men, *thirteen* women, and *forty-three* children of both sexes, (in all 99.) were in the custody of the officer, and in full march along the beach for Monrovia. The boats received the invalids and feeblest of the children, and stood along shore at musket shot distance abreast of the party advancing by land. The whole arrived safely at Monrovia at eight o'clock the same morning, just six hours after the setting out of the party, and *eleven* only after the first intimation given to the officer who so handsomely conducted it, that its services would be required.

Of these people, ninety-seven are in perfect health, two only in a feeble condition, caused apparently by rigorous treatment.

Respectfully, Sir,
I have the honor to be
Your obd't serv't.
J. ASHMUN.

P. S. In the number of persons rescued are included the three deserters.

The Hon. SAMUEL L. SOUTHARD,
Secretary of the U. S. Navy, Washington City, U. S.

DECEMBER 11th, 1825.

SIR: Subjoined to my letter of the evening of the 8th instant. I beg leave to communicate certain facts relative to the French slave trade, as carried on at the present time from this coast, and of which, without a vigorous influence exerted by other Governments, no hope of a speedy termination can be rationally entertained. My situation every month throws in my way some intelligent subjects of France, of whom, some are interested in the continuance, and others actually engaged in the suppression of the slave trade; and, I regret to say, that both concur in the opinion, that the true point of policy in their Government, *at present*, requires a regulated continuance of the trade, and which the Ministers of Government are too wise not to perceive.

That the demand for the products of tropical countries, in France, is much greater than can be supplied from their inconsiderable colonies, either in America or the East Indies; that, without foreign colonies, the nation can never have a productive foreign commerce, nor come to realize the various objects of advantage growing out of it.

The Province of Cayenne offers a boundless extent of fertile territory, but thinly peopled, and, in consequence, uncultivated and unproductive. According to the ancient prejudices, laborers can only be obtained, to subdue and bring out the resources of this country, from the Coast of Africa. But, how to evade the stipulations of the solemn treaties of the Government, so as to save appearances, and, at the same time subject the trade in which those laborers are to be procured, to that perfect surveillance, for which the police and revenue system of France, beyond those of almost any other nation, are distinguished. To combine these conflicting objects in one system, is the result of some political inquiry, and is thus attempted. All outfits to the Coast for this trade, are understood by the merchants of France to be prohibited *by a particular injunction*, and absolutely impossible to be made from any other ports of the empire, except St. Malois and Nantz—vessels cannot obtain clearances for these voyages elsewhere. But, no difficulty, it is equally understood, is ever to be encountered at the Custom-houses of these ports —*particularly* of the latter, where it is reciprocally understood, that clearances given to vessels to proceed to Africa for general cargoes, and thence to the Colonies, authorize such vessels to traffic for, and transport to the latter, cargoes of slaves, and nothing else. The Colonial authorities of Gaudaloupe, Martinique, Cayenne, &c, observe a perfect concert of action with the Officers of the two ports in France already named; and, by admitting slave cargoes to entry, duty free, in effect, pay the merchants a bounty on such cargoes.

The extent of the trade is, by this arrangement, better known even in France itself, and prevented from being even suspected by the other Governments of Europe, except as ascertained by its operations, observed on the Coast of Africa and in America; and comes to

be as exactly controlled and regulated by the Ministry, as any other branch of commerce carried on from French ports. But, still further to save appearances, and guard the trade against interruption by foreign Powers. France makes the Coast of Africa one of her important Naval stations From four to eight of her vessels of war, mostly corvettes and brigs, rendezvous every year at Goré with instructions to their commanders to pursue and suppress the slave trade. The interference of any foreign Power in the service somewhat ostentatiously assigned to this Naval force, it is but too well known that France utterly declines, in any degree, to consent to, or tolerate. It is refused, not only as impolitic, but as unnecessary. It might, indeed, be both, were not the instructions under which her commanders act, in all cases, carefully made out in exact accommodation to other parts of the artificial system, of which it is certain that this display of force forms a part No cruiser is authorized even to subject to detention a slaver found on the coast, in whatever stage of his voyage, unless slaves are actually found on board the latter vessel at the time of her examination.

M. L'Achelier, the intelligent commandant of a detachment of the Goré station, assured me, in January, 1825, that, between Cazamanca and Cape Palmas, in the short period of six weeks, he had visited forty-five vessels, of whose bad character, the testimonies seen on board of them were conclusive: of these forty-five, twenty-two were Frenchmen from Nantz and the Colonies, of which his instructions clearly forbade the detention of more than five.

In April ensuing, I received the information from a perfectly authentic source, that, of the five vessels sent under these circumstances for adjudication before the Naval tribunal at Goré, only *one* was condemned; and M. L'Achelier amerced in damages for the detention of the others, to three times the amount of his property.

The factors Vieux Pierre & Millot, whose establishment on the St. Paul's was broken up on the 8th, having announced their intention to appeal to the Government for redress, resting their claims on the principle which it has set up, never to suffer the interference of a foreign Power, either in the measures which she has thought proper to take for suppressing the trade, or in the punishment of her subjects for any supposed infraction of the municipal and commercial laws of France.

But, as I have assumed in justification of my procedure neither of these grounds, but the necessity of rescuing immediately from slavery, for the prevention of a greater and absolutely remediless injury, the subjects and protegées of the United States unlawfully sold and detained in bondage—and, of abating a nuisance which foreigners, without the color of authority, had obtruded upon our own territory, (for the lands actually purchased of the nation comprehend the whole left bank of the St. Paul's, on which the factory stood)—I am confident, that such a claim will never be prosecuted to my own Government, or, if so urged, must be forthwith discontinued as soon as it merits an investigation.

Any testimony, necessary to elucidate or establish the facts contained in my official report of the transaction, in my power to obtain, shall be cheerfully furnished, on a requisition from his Excellency the President of the United States, or the honorable Secretary of the Navy.

Respectfully, Sir, I have the honor to remain,

Your obedient servant,

J. ASHMUN.

The Hon. S. L. SOUTHARD,
Secretary of the U. S. Navy.

U. S. AGENCY FOR RECAPTURED AFRICANS,

Cape Mesurado, January 22, 1826.

As an integral part of my despatches by this conveyance I have the honor to refer you to *my letter dated October* 14*th*, detailing the circumstances connected with the punishment of the Spanish piratical schooner "Clarida" *to the plan of the coast*, accompanying it, as illustrative of the transaction; and to the *statement of expenses incurred and property seized*, in the same expedition. It will be seen from these papers, that fourteen miserable slaves fell into my hands on that occasion, who have been provided for agreeably to the instructions under which I have the honor to act.

I have also the honor to refer, as a part of the present communication, to *my letter of the* 27*th of October*, also enclosed, *and a note explanatory of the* 28*th* from which you will learn that an additional number of six men making in all, to that date, *twenty persons*, were cast, for protection, upon the United States' establishment at this place: and have accordingly been provided for at the public expense.

I have also *very particularly* to solicit your attention to *my letter of December* 8, 1825, and *the private note of the* 11*th of the same month*, from which it will be perceived, that still another addition, of *ninety-nine* persons, has been made to the number of liberated Africans connected with the Agency.

The papers referred to are too minute, I trust, to require, on the subject to which they relate, any additional explanations. The whole number of persons placed at the disposal of the Agency by these three several accessions, is 116, (to say one hundred and sixteen) making with the fourteen previously in charge, one hundred and thirty. Many of the children are, by a temporary disposition, situated in the most respectable families of the colony, under indentures securing to them instruction at the common schools of the place, and every other advantage of which their age and circumstances render them capable. I have engaged a prudent young man to attend constantly on the remainder, at their daily labors, and bring the economy of the little community into which they are formed, into a gradual assimilation to the ideas of civilized life. They have nearly completed a village of dwellings, built in your own style, on a pleasant elevation of Cape

Mesurado, about one-third of a mile distant from Thompson Town. Every individual of their number is in perfect health; and as an assemblage of rude and ignorant people, gathered out of nearly twenty different tribes of the country, pursue their labors with a good degree of spirit, union, and success.

For some months to come, it must remain necessary to afford them their entire support, or expose them to the certain danger of being seduced, or kidnapped, by the unprincipled slave-dealers of the country, who wait their opportunity to bring them the second time under the chain, and dispose of them at the factories of Gallinas, or Trade Town.

The expense of clothing, providing with the first conveniences of civilized life, furnishing with tools and implements of industry, after our modes, and subsisting so considerable a number of people, thrown upon my hands without previous preparation for their reception, has already proved considerable, and has reduced me to the necessity of making purchases, and advances out of my own pocket, since the 10th day of October, to the amount of the several sums of $366 87½, $260 35½, $320 12, $ 462 42, $115 03*, $65 62†, $1187 75—Total $2,788 17.

The accounts of all these purchases are forwarded, with advices of the drafts given on the Navy Department in payment.

A few of these stores have been purchased at disadvantage; but most of them on very advantageous terms.

These purchases have given me the means of securing, in advance, rice necessary for several months' consumption, a precaution necessary to be taken early every dry season, as the country furnishes very little of that grain, and that little at very enhanced prices, after the 1st of February, until the return of the ensuing harvest in September.

The lands of Cape Mesurado being wholly appropriated to settlers, and the former protogées of the Government, who have been placed on the footing of settlers, it will be necessary, finally, to fix a large proportion of the last accessions on farms provided in the new settlements of the colony. But at present it would be the height of imprudence to suffer them to want the constant guardianship of their superintendents. Several have already been driven by their fears to attempt, and a few have, it is thought, effected their escape. No means in my power to employ for their recovery have been neglected, as their separation from the asylum is sure to be followed by their apprehension and sale, as soon as their lurking places shall be discovered by the natives of the country.

Vieux Pierre and Millot, the factors whose establishment on the St. Paul's has been destroyed, were soon after reduced to extreme distress, by the natives, who, believing those unfortunate men without the protection of the settlement, assembled in force, evidently with a design to rob them of the small remainder of their property. In this

* By way of Boston, under another enclosure.
† Forwarded through Rev. Mr. Hawley.

distress, they appealed to my humanity for protection. I consented to afford it, on condition of their abandoning their voyage, and instead of proceeding to the colonies, returning directly to France, as soon as the necessary preparations could be made for the voyage. To this condition they assented. I immediately sent a guard to bring them and their merchandise to Monrovia, where I have since furnished them and their five seamen with whatever necessaries and comforts the laws of hospitality require.

The schooner attached to the factory, after waiting in the offing several days, and receiving intelligence of the accident which had befallen the factory, made sail for France, without communicating with the factors ashore, otherwise than by billets, leaving seven Frenchmen on my hands. Three of these were shipped the first of January, from Cape Mount, on board of a French vessel bound to Martinique. Millot obtained a passage to a distant part of the coast, with a view to some profitable employment; and Captain Vieux Pierre, with a white servant, takes passage in the vessel which conveys these despatches, for the United States, whence he intends to return to his family in France. An industrious young man belonging to the concern has found employment in this colony.

J. ASHMUN.

The Hon. S. L. SOUTHARD,
Secretary U. S. Navy, Washington City.

MONROVIA, *April* 19*th*, 1826.

SIR: The extraordinary labors consequent on the new arrangements required by the arrival of Dr. Peaco, the United States' Agent for recaptured Africans, and who was the bearer of your favor of the 31st December, 1825, together with the expedition against Trade Town, from which I have just returned with the troops of the colony in safety, render it impossible to prepare the accounts of the Agency for the 1st quarter of the year, in time to forward them by the "Indian Chief." I hope to send them by the very next conveyance.

In my accounts forwarded from the Treasury Department, I perceive myself charged with a requisition for 220 dollars, in favor of Thomas Tyson, for which I shall probably be able to show myself entitled to a credit of the same amount.

I have the honor to state, that I delivered over to the hands of Dr. Peaco, on the 17th instant, *fifty-three Africans*, taken from the piratical establishment at Trade Town, on the 13th and 14th, making the whole number delivered over to the United States' Agency, since the 10th of October, 1825, one hundred and seventy-two; and which, with the aid of Heaven, and two Colombian armed vessels, the forces of the Colony under my direction razed to the ground on the 15th instant.

Three vessels attached to the factories of Trade Town have fallen into the hands of the French and Colombian cruizers of this station:

and the catastrophe of that mart of human flesh, now the last on the whole windward coast of Western Africa, is confidently believed to have annihilated, finally, the slave trade, within five hundred miles of this settlement.

Dr. Woodside, the bearer of these despatches to the United States, and who returns in consequence of a severe wound received in the late expedition, for which he had generously volunteered his services, has also an abstract of the journal, detailing all the circumstances of the affair; and will be able to communicate, verbally or otherwise, all the information relating to it that may be called for.

Captain John Chase, commander of the Colombian armed schooner "Jacinta," well known in the United States, of which he is a native, as a gentleman of the most honorable principles, and consummate bravery, has rendered us services in this affair, without which success could not have been obtained. His vessel, his marines, arms, ammunition, and personal exertions, were, in the entire spirit of the late convention between the Colombian and United States Governments, for co-operating against the slave trade, wholly at our devotion, and as long as the heavy curse of this traffic shall, as the fruit of the late expedition, cease to be felt in Western Africa, will the services of this gallant commander, and his spirited crew, be entitled to the gratitude and applause of the world.

The character of nearly all the late transactions of Europeans at Trade Town, having been notoriously piratical, it will become a duty of the first obligation to direct against it, and against every attempt to restore it, the little floating force preparing in the Colony to be placed under the command of Lieutenant McKean. The arrival of that officer on the coast is expected with particular anxiety.

Associated with Captain Chase, in the affair of Trade Town, is to be mentioned with a particular sense of obligation for his active co-operation, Capt. Cottrell, of the Colombian brig of war "El Vencedor," who covered our landing under a dangerous fire from the piratical Europeans ashore, and brought the guns of his vessels to bear upon the enemy's lines in our rear, during the 36 hours we were hotly engaged with him, after obtaining possession of the town. He supplied our little force ashore with 3,000 rounds of musket ammunition; placed under my command his Captain of Marines, with twenty men, and expended 130 rounds of cannon shot upon the enemy.

Dr. Peaco's health was thought to be not sufficiently braced, by previous exposure in an African climate, to admit of his accompanying the expedition; and it is feared the few hours which remain before the sailing of the "Indian Chief," will hardly allow of his writing in detail by this conveyance. This circumstance will apologize for the otherwise unnecessary length and minuteness of this letter, in the conclusion of which I beg only to add, that the first class of Africans are nearly off the hands of the Government, several having finished their terms of apprenticeship, and now established in business for themselves.

About 160 of the newly liberated remain, of whom fifty are so situated, in respectable families, as to be a slight charge on the public fund.

The passengers by the "Indian Chief," 154 in number, are *all* on the sick list. but the character of the disease under which they suffer is favorable beyond any former example, and gives hopes of its speedy termination.

Respectfully, &c.

J. ASHMUN.

The Hon. S. L. SOUTHARD,
Secretary U. S. Navy.

BALTIMORE, *31st July*, 1826.

The visit of Mr. Ashmun to Trade Town, was in consequence of the inhabitants of that place having seduced away from the colony about 30 free blacks belonging to it, and selling them to the Spanish and French slave traders. Mr. Ashmun had frequently demanded those blacks from *King West*, threatening him with an armed force if he did not give them up, which threat he altogether disregarded, and continued his depredations on the inhabitants of the colony.

On my arrival at Mesurado, Mr. Ashmun communicated the above intelligence to me, and requested that I would accompany him in the expedition to Trade Town, which I consented to, and took Mr. Ashmun, with about 30 troops, on board, and proceeded for that place, which we reached the day following, and found at anchor off the Town the Colombian Brig El Vencedor, having with her a Spanish Brig captured the day before. I communicated the object of our visit to the commander of that vessel, who cheerfully agreed to accompany us.

As we approached the shore, the Spanish and French slaves, occupying three factories, commenced firing on our boats, notwithstanding the boat in which Mr. Ashmun was, had the colonial flag hoisted. We however succeeded in landing and taking possession of the factories. Mr. Ashmun addressed a note to King West, stating that the object of his visit was to reclaim the people of the colony, and if he gave them up peaceably, all further hostilities would cease, threatening him with the destruction of the town if he did not immediately comply with the demand. King West acknowledged that the blacks had been seduced away, and sold to the Spaniards, but pleaded inability to get them within two or three days, as they, with four or five hundred others, had been released on our approach to the shore, and had ran into the woods. He stated, through his messenger, to Mr. Ashmun, that he wished to be on the most friendly terms with the colony, and that he would have all the slaves belonging to the Spaniards, as well as those of the colony, delivered up to us.

On the first day he sent in fifteen or twenty, on the second as many more, and, on the third day, a quantity making, altogether, fifty-two.

But it was evident, from his tardy movements, and the miserable appearance of the blacks, that his object was to divert our attention until he could rally his forces.

On the third day, as was anticipated, they commenced hostilities with a number not less than two or three thousand men, *well armed*, and it was not until the vessels were brought near the shore, *and several broadsides fired on them*, that we succeeded in driving them into the woods. We then put fire to the town, which contained about one hundred and fifty houses, and destroyed it. The factories were occupied by us two days after, during which time we had some little skirmishing.

Finding no prospect of getting the slaves, we re-embarked our troops, putting fire to the factories, which contained a large quantity of powder, arms, munitions of war, and sundry articles of merchandise belonging to the Spaniards. Mr. Ashmun conducted himself strictly neutral towards the Spaniards, notwithstanding it was pretty well ascertained that some of them had committed acts of piracy in the waters of Mesurado, a short time previous. The fifty-two blacks were landed at the colony, and before I left the Cape, Mr. Ashmun informed me that King West had sent to him to treat for peace.

JOHN CHASE.

NAVY DEPARTMENT,

Washington, 10*th August*, 1826.

SIR: I have to acknowledge the receipt of communications from Mr. Ashmun, of 14th, 27th, and 28th October; 8th and 11th December; 5th and 22d January, and 19th April, together with their several enclosures, which shall be noticed in the order of their dates.—The accounts have been deposited with the Fourth Auditor, to whom they should be transmitted for examination and settlement.

The first letter, of 14th October, relates to the transactions of the Spanish Schooner Clarida; the depredations committed by her on the British Brig Tom Cod; and the means pursued to punish the conduct of the crew of the Spanish vessel, which resulted in the release of 14 slaves, at Poor River. The next, dated 17th October, is a continuation of transactions respecting the Clarida, and a narrative of an expedition to the St. Paul's, which terminated in the release of six more slaves. The third letter, dated 28th October, assigns the reasons for, and justification of his conduct, and proposes a method for redeeming such persons as may be held in bondage in the neighborhood of the settlement. The fourth letter, 8th December, announces an addition of 99 persons to the Agency, released in an expedition, undertaken to recover four of those previously taken, who had fled from the protection of the Agency. The fifth and next, is a private letter, dated 11th December, giving a view of the manner in

which the trade is now carried on by the French and others, and the means resorted to to save appearances, and an open evasion or violation of their treaties. The sixth letter is dated 5th January, and contains a review of his past conduct and transactions at the Agency. The next, 22d January, is a continuation of occurrences at the Agency, the measures adopted to provide for the addition to the numbers occasioned by the excursions to the neighboring factories, and refers to a part of a communication to the Colonization Society, for the reasons for Mr. Ashmun's wishing to return to the United States, which he intends to accomplish, should the situation of affairs permit. The last letter received, is dated 19th April, by the Indian Chief and informs of his return from an expedition against Trade Town, and your arrival. The cause and object of the expedition not being stated in the letter, it is presumed that one must have been written of an earlier date, which has not been received. In the absence of this explanation, I have sought light from other sources, and have been permitted by the Colonization Society, to read some of his letters to it; and have also received a letter from Captain Chase, which furnished the probable causes and objects of the expedition. Upon them, it is not the intention now to express a decided opinion.

Should it appear hereafter that some of the recaptured Africans have been taken to Trade Town, confined, and were about to be sold again into slavery, and that Mr. Ashmun went no farther than was found necessary to rescue them; his conduct, as the Agent of the Government, will not be condemned. So far as he has acted for the Colonization Society, in recapturing the colonists, he will look to that Society, both to explain his conduct, and to be justified or condemned by it.

The same remark is applicable to the previous expeditions. So far as he acted as the Agent of the Society, the Government does not mean to interfere with his responsibility to it. But the President thinks it necessary to disapprove of his conduct in those expeditions, so far as he has any connexion with the Government. As Agent of the United States, for a specified object, he had no justifiable cause to break up establishments supposed to belong to the owners of the Clarida, or any other persons, and to take the people found there, to the Agency, to be maintained at the public expense. Our Government, in establishing the Agency, had one object only in view—to provide a place to which Africans, illegally brought into the United States, or lawfully captured by our cruisers upon the ocean, might be carried and taken care of, until they could, with propriety, be restored to their own country, tribe, or nation. It has not intended to authorize, nor has it authorized, a forcible and warlike attack upon the citizens or subjects of any nation with a view to suppress the Slave Trade, or to accomplish any other object, no matter how desirable, to advance the cause of humanity. You will therefore furnish to Mr. Ashmun a copy of this letter, that he may see the light in which his conduct is viewed by the Government.

He has made a claim for the bounty allowed by the 3d and 4th sections of the Act of 3d March, 1819; but it cannot be granted. The

case of Africans liberated from their captors on the shores of Africa, does not come within the provisions of that Act. It is understood from his several letters, that about 170 Africans were liberated in his various expeditions, and brought to the Agency, and are now on expense there; the accounts for their support to this time, will perhaps be paid: but they must cease to be a charge to the Government, and restored to their tribes as speedily as possible, or supported in some other mode. The fund devoted to this object, is now much reduced, and unless increased by Congress, will not bear a continuance of the burden. Should captures be made during the year, recourse must be had to another appropriation to enable the Department to comply with the law.

For the same reason, the reward of $10 offered by him for each Negro delivered, is not approved; it was not prudent, nor authorized by his instructions from the Government.

In censuring the course of Mr. Ashmun, it is not intended to convey an idea, that he was actuated by improper motives, or to regret the effect which seems to have been produced upon the Slave Trade itself. His motives were probably of the purest kind, and his zeal excited and confirmed by his humanity. Every thing which represses that trade, appeals strongly to our best feelings for excuse and approbation. All that is intended by the Executive, is, to disapprove the act in him, as its special agent for other objects.

In other respects, the conduct and policy of Mr. Ashmun seem to merit commendation; and his intercourse with the surrounding tribes, to be dictated by sound discretion, and calculated to insure permanent success and respect. By conveying these opinions through you, you will be informed of the views of the Department, as to the proper conduct of your Agency, and govern yourself accordingly.

Two additional considerations seem proper to be repeated to you; to preserve the utmost economy, and to keep the business and accounts of the Society, and the Agency, as much separated as possible.—These duties have become even more important than they were when your instructions were prepared, and when they were pressed upon you.

It was the intention of the Department to have sent before this, the recaptured Africans, now in Georgia, to the Agency; but questions are still pending undecided in the Court, respecting a part of them, which renders it still impossible to send any of the number.—They will be despatched without the least unnecessary delay, when these questions are decided.

I believe I informed you that the Spark would be sent to the Agency, as soon as she returned from the West Indies. On her return, however, she was found so much decayed, that it was necessary to sell her. Since that time, no vessel fit for the purpose has returned: I am daily looking for the arrival of one.

I am, respectfully, &c.

SAMUEL L. SOUTHARD.

Doctor John W. Peaco,

United States' Agent for Liberated Africans, Cape Mesurado.

Extracts of a letter from Doct. John W. Peaco, to the Secretary of the Navy, dated Holmes Hole, October 30th, 1826.

"On my arrival at the Cape, I found the number of recaptured Africans considerably increased, to which were afterwards added several who were liberated and brought up from Trade Town; the expenses for the sustenance of this class of settlers, will, therefore, be proportionably greater, and I would respectfully request, that supplies for their support and comfort be sent out, as what have been heretofore sent, were intended for a much smaller number. Tobacco, and other trading articles can be exchanged to great advantage, and should be provided for them in proportionably larger quantities. It is calculated from the quantity of land which they have cleared and are continuing to clear for cultivation, and the cassada and other articles they are raising, that the expenses for the support of the present number, will, in the course of a year or two, be comparatively trifling.

We find those a very useful set of people at the settlement, and much expense is saved both to the Government and to the Colonization Society, by employing them as laborers, and in clearing the land, when natives from the vicinity must otherwise be hired, the cost for which would be much greater than all the expenses for the support of those people, as, in addition to their pay, we should have to supply them with provisions, whereas the recaptured African is satisfied with his rations and clothing, with a little tobacco. The articles of diet with which we furnish them, and for which they in general give a preference, are rice, cassada, and palm oil, which we procure from the natives in exchange for tobacco, rum, cotton cloths, &c. supplies of which should be always on hand.

The liberated Africans who were sent out from the United States, and the Colonists who have been there more than a year, support themselves, and are no longer much expense to us, and the balance will in a short time be able to provide for their own maintenance; we are obliged, however, to employ many of them as laborers, mechanics, &c. who draw their pay from the public stores; it will therefore be necessary to keep a supply of provisions, trading articles, &c. to furnish them; it is found to be the cheapest mode of compensating them, and they have no means while thus employed of procuring them elsewhere.

As to the defensive state of the settlement, I would respectfully observe, that the uniform companies and local militia are sufficient, provided they are furnished with the means: there is, however, in my opinion, a necessity for a small military force to guard the public property, and prevent surprise. Since the affair of Trade Town, the slave traders who traffic there, have shown every disposition to distress the Colonists and others at the Cape, which they can do and have done with impunity, in consequence of our not having the aid of a naval force here, by which we might prevent them. It is dangerous for a merchant vessel to approach our roadstead, as information is im-

mediately conveyed down the coast to Trade Town, (a distance of less than one hundred miles.) A vessel is immediately selected for the purpose, which is manned, and proceeds to Montserado, where, in full view of us all. they plunder any vessels which may be laying there, without our having any means of preventing them. A daring outrage to this effect took place the 27th July last, an account of which has been lately published in the newspapers. After robbing the vessel, and abusing the officers and crew, they proceeded, very deliberately, to a trading factory in the vicinity, where we understood they were collecting slaves when I left the Coast. There are other cases, though not so flagrant, and we are threatened with a repetition of them. We have endeavored to make terms with King West. of Trade Town, but he will not listen to any; and nothing but the appearance of a naval force will bring him to terms. The necessity of having and keeping constantly on the Coast of Africa a naval force, is daily more evident. Trade Town could be effectually blockaded by a sloop of war, by which means the Slave Trade would be abolished as far as four degrees North of the Equator. Our recaptured Africans are enticed away, and sold there to slave dealers, and we cannot recover them. It is at considerable risk that our boats venture out for the purpose of procuring supplies for the settlement; our commerce is entirely unprotected; the petty kings insult us and *threaten* us with war, and we had it in contemplation, when I left Monrovia, to break up one of our factories, down the coast, from which we were regularly supplied with palm oil, rice, and other articles of diet, on account of the hostile disposition shown by the natives, in its vicinity, to the factors, and the threats of King West, which we have no means of preventing him from executing. A naval force, sir, is indispensable, if it is the determination of Government and the Society to continue the establishment. The colonists and liberated Africans cannot be considered safe without it, and there is no protection for any vessel which may arrive there with either emigrants or freight.

With some of the lumber, which was sent out by Government, a large house has been erected, intended as a receptacle for the Africans expected there from Georgia, where they can be made comfortable until they clear away lands and build houses for themselves; provision should be made for their support for twelve months, after which they can maintain themselves."

X.

LIST OF DEATHS in the Navy of the United States, since 2d December, 1825.

Name.	Date of Death.	Cause of Death.	Place of Death.
Captains.			
Robert T. Spence - - -	26 September, 1826,	Bilious Fever -	Near Baltimore.
Lieutenants.			
Raymond H. Perry - - -	12 March, 1826, -	- - -	New York.
James M' Gowan - - -	19 February, do -	Steam Boat Accident	Fredonia, Indiana.
William Lowe - - - -	2 May, do -	- - -	Baltimore.
T. S. Browne - - - -	6 September do -	- - -	Austerlitz, N. Y.
Surgeons and Mates.			
Robert S. Kearney - - -	7 June, 1826, -	Consumption -	Washington.
William D. Babbitt - - -	24 May, do -	Small Pox - -	Rio de Janeiro.
John Fitzhugh - - - -	6 July, do -	Effects of fever -	Off Baltimore.
Samuel Biddle - - - -	14 February, do -	Fever - -	Thompson's Island.
De Witt Birch - - - -	1 May, do -	Typhus Fever -	Mediterranean.

Pursers.			
R. C. Ludlow	15 May, do		New York.
A. Y. Humphreys	6 February, do	Pulmonary disease	Callao.
Chaplains.			
N. Andrews			
Midshipmen.			
Samuel Renshaw	11 October, 1826,	Rupture of blood vessel	Philadelphia.
Edward S. Lewis	25 July, do		Baltimore.
J. Hansford	10 September, do		Boston.
P. M. Hail	4 June, do		Salisbury, N. C.
Henry Skinner	31 March, do	Peritonial inflammation	Norfolk.
Sailing Masters.			
Daniel Jones	21 May, 1826,		New York.
Joseph Lindsay	19 do do		Marblehead.
Lewis B. Page	16 Sept. do		Gosport, Va.
Navy Agents.			
John Randall	10 June, 1826,		Annapolis.
Lieutenants of Marines.			
S. J. Coejeman	26 December, 1825,	Typhus Fever,	Pacific.
William T. Bourne	4 March, 1826,	In a duel,	Norfolk.

Y.

List of Resignations in the Navy of the United States, since 2d December, 1825.

NAME.	DATE OF RESIGNATION.
Captains.	
David Porter, - -	18th August, 1826.
Lieutenants.	
Francis J. Mitchell, -	27th November, 1826.
Zach'h W. Nixon, - -	21st March, "
David H. Porter, - -	26th July "
Surgeons and Mates.	
Sam'l. D. Heap, - -	27th December, 1825.
Charles B. Hamilton, -	12th April, 1826.
Charles B. Jaudon, -	4th May, "
Richard Stevens, - -	11th " "
James Norris, - -	20th June, "
Chaplains.	
John McCarty, - -	21st April, 1826.
Midshipmen.	
Horatio N. Russell, - -	14th January, 1826.
Lucius C. Heylin, - -	16th " "
Francis Mallory, - -	17th " "
James A. Hemphill, - -	24th " "
C. S. Whittington, - -	17th February, "
Alfred Cutler, - -	8th March, "
Alexander Van Dyke, -	10th " "
James W. Abbott, . -	23d " "
John M. Doyle, - -	6th April, "
Wm. Leggett, - -	17th " "
Richard S. Clinton, - -	20th " "
James W. Marshall, -	19th May, "
Griffen Tompkins, - -	22d " "
Wm. B. G. Taylor, -	9th June, "
Henry A. Chambers, -	23d " "
Wm. D. B. Trotter, -	12th July, "
Dudley Walker, - -	21st August, "
Alex'r Thompson, - -	8th " "

LIST—Continued.

NAME.	DATE OF RESIGNATION.
Charles E. Hawkins, -	17th October, 1826.
James S. Cosby, - -	28th August, "
Henry Etting, - -	7th November, "
Sailing Masters.	
Alex'r. W. Macomb, -	19th May, 1826.
Daniel Dobbins, - -	5th June, "
Richard Dealy, - -	18th October, "
Boatswains.	
C. P. Gideon, acting, -	3d June, 1826.
Gunners.	
James Bogman, - -	17th October, 1826.
Thomas Barry, - -	9th November, "
Carpenters.	
John Justice, - -	6th July, 1826.
Wm. E. Sheffield, - -	17th October, "
Sail Makers.	
Wm. Baldwin, - -	21st April, 1826.
Nathan S. Angell, - -	3d May, "
Lieutenants of Marines.	
Frederick Thomas, - -	18th July, 1826.
James D. Burnham, -	24th " "

Z.

Copy of the estimates for the Naval service for the year 1827.

NAVY COMMISSIONER'S OFFICE,
9th November, 1826.

The Commissioners of the Navy in obedience to your directions, have the honor to hand you herewith—

An estimate of the expenses of the Navy for the year 1827, marked A.

Statements explanatory thereof, marked B, C, D, E, F, G, H.

Exhibit shewing the disposition and force of the ships and vessels of the United States' Navy, built and building, marked *I*, and an estimate of the expense of the Office of the Commissioners of the Navy for the ensuing year, marked K.

In further explanation of the 6th item of the estimates on paper A, the Commissioners would respectfully observe, that the security and preservation of the public property, necessarily of great amount, renders it indispensably necessary, in their opinion, that the Navy Yards should be enclosed by walls substantially built of brick or stone; without such enclosures, no vigilance of the sentinels, however their numbers may be extended, can protect the property from depredators and incendiaries.

The large amount and great variety of stores indispensably necessary to be kept on hand, require that buildings should be erected to protect them against pilferers, and from destruction by fire, &c. &c.

The buildings for officers' quarters are required for the accommodation of those attached to the yards, in order that they may be conveniently situated to perform the duties required of them, and by their presence, add to the security of the public property, and, at all times, contribute to the prompt suppression of any improper conduct on the part of the numerous persons connected with the establishment; in the opinion of the Board, it would be true economy to erect suitable buildings for this object, at each yard not already provided with them; the annual allowances made to the officers for house rent, &c. would, in a short time, repay the cost of their construction.

The receiving and shipping stores, and the despatch and economy, so all important in fitting out our vessels, make the wharves estimated for, highly necessary.

The judicious selection of sites for the erection of buildings necessary for the yards, and for building and repairing the vessels of the United States, require that certain parts of the respective yards should be levelled and filled up.

The covering the roofs of the ship houses with slate, copper, or tin, is not only to protect them from accident by fire, and prevent loss or injury to the ships within them, but the immense loss of other property also within the yard; so extensive a fire as one or more of those large buildings would make, can readily be conceived as carrying destruction to all within its influence; it is presumed that views of economy, or a disposition to lessen the expense as much as possible, led to the practice of covering the roofs of those building with shingles; inventions were afterwards made of reservoirs, spouts, forcing pumps, &c. &c. to give protection to the roofs against that destructive element, *fire*, but without success, and the Commissioners, under a sense of official duty, earnestly recommend the appropriation.

A very serious alarm was experienced on the 31st of May last, at the Boston Yard. Captain Crane, under date of the 1st June, writes to the Commissioners, "that he deemed it his duty to acquaint them "with a very alarming circumstance that yesterday theatened Ship "House No. 1, Ships Virginia, Independence, Columbus, and Java, "besides endangering the public storehouses, and other buildings."

"A fire broke out about 4 P. M. in the upper part of Main Street, "Charlestown, the wind fresh to the Northward and Westward; our "engines, &c. were immediately got in readiness; burning shingles "were shortly driven into the yard and on board the ships: owing to "the great drought, a small brand communicated to the roof of Ship "House No 1, and it blazed; to the precautions taken, and to the "activity of our own people, I attribute the safety of a vast amount "of public property; the tide had just began to make, and the water "in the wells was low; had it occurred in the night, I fear the con-"sequences would have proved serious; our engines are incapable of "throwing water on the roofs of the ship houses."

The preceding extract will serve to shew the great danger to be apprehended from fire within the yard, when so great an amount of property was jeopardized from one originating without the limits of the yard, and would seem to warn us to use every precaution against so destructive an enemy. Had the occurrence stated by Capt. Crane taken place in the night, property to the amount of more than a million of dollars would probably have been destroyed within the yard; whereas had the roof of the ship house been of incombustible materials, no loss could have resulted from the occurrence.

The land recommended to be purchased for the extension of the Norfolk Yard, would be a valuable acquisition to the Government, as well as to that yard; and as it is contemplated to secure it by a permanent enclosure, it would be desirable that provision for the purchase of the land should be made, previous to putting up the wall; if afterwards purchased, it would cost an extra expense, probably equivalent to the cost of the land.

The Pensacola Navy Yard being a new establishment, where accommodations of every description are required, the estimates must necessarily be considerable, and may appear high; but the amount is, in the opinion of the Commissioners, indispensable to make the improvements necessary to render it a useful establishment.

Whilst on the subject of navy yard improvements, the Board, with great deference, respectfully suggest the expediency of again urging, in the strongest manner upon Congress, to make provision to defray the expenses of a Board of Commissioners to be composed of three Naval officers, and two Civil Engineers, to examine the different yards, and fix upon the plans best adapted to the arrangement of all the docks, building ships, and other establishments proper to be erected within them; which plans, when once approved by the President of the United States, shall be rigidly adhered to in all future improvements, unless deviations therefrom should be specially authorized by him.

I have the honor to be,
With great respect, Sir,
Your most obed't serv't,
WM. BAINBRIDGE.

Hon. SAML. L. SOUTHARD,
Secretary of the Navy.

(A.)

There will be required for the Navy, during the year 1827, three millions and fourteen thousand eight hundred and two dollars and nine-two cents, in addition to any balances which may remain unexpended on the 1st January, 1827.

1st. Pay, subsistence, and established allowances for all officers, seamen, and others, belonging to the Navy, and for all persons attached to the civil establishment of the yards - - - -	$1,343,348 00
2d. For provisions - - - -	579,148 54
3d. For repairs of vessels in ordinary, and for the wear and tear of vessels in commission - -	450,000 00
4th. For medicines, surgical instruments, hospital stores, and all other expenses on account of the sick	50,000 00
5th. Ordnance and ordnance stores - - -	35,000 00
6th. For improvements and repairs of navy yards -	332,306 38

7th. For defraying the expenses which may accrue during the year 1827, for the following purposes: for freight and transportation of materials and stores of every description; for wharfage and dockage; for storage and rent; for travelling expenses of officers, and transportation of seamen, for house rent or chamber money, and for fuel and candles, to officers other than those attached to navy yards and shore stations; for commissions, clerk hire, office rent, stationery and fuel to Navy Agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to Judge Advocates; for per diem allowance to persons attending Courts Martial and Courts of Inquiry, and to officers engaged on extra service beyond the limits of their stations; for printing and for stationery of every description; for books, charts, nautical and mathematical instruments, chronometers, models, and drawings; for purchase and repairs of steam and fire engines, and for machinery; for purchase and maintenance of oxen, and horses, and for carts, wheels, and workmens' tools of every description; for postage of letters on public service; for pilotage; for cabin furniture of vessels in commission; for taxes on navy yards and public property; for assistance rendered to public vessels in distress; for incidental labor at navy yards not applicable to any other appropriation; for coal and other fuel for forges, foundries, steam engines; and for candles, oil, and fuel.

for vessels in commission, and in ordinary, and for no other object or purpose whatever - -	220,000 00
8th. For contingent expenses for objects arising in the year 1827, and not herein before enumerated -	5,000 00
Dolls.	3,014,802 92

(B)

ESTIMATE of the Pay and Subsistence of all Persons of the Navy, attached to Vessels in Commission.

	Ships of the Line.	FRIGATES.		SLOOPS.		Schooners.	Total of each grade.	Amount of Pay and Subsistence.
		First Class.	Second Class.	First Class.	Second Class.			
No. of each class -	1	3	2	8	3	4		*Dollars. Cents.*
Captains - - - - - -	2	3	2	1	-	-	8	17,630 00
Masters Commandant - - -	-	-	-	7	3	1	11	11,935 00
Lieutenants Commandant - -	-	-	-	-	-	3	3	4,068 75
Lieutenants - - - - - -	9	15	8	24	9	12	77	51,012 50
Masters - - - - - -	1	3	2	8	3	1	18	10,282 50
Pursers - - - - - -	1	3	2	8	3	4	21	11,996 25
Surgeons - - - - - -	1	3	2	8	3	-	17	11,751 25
Surgeons' Mates - - - - -	3	6	4	8	6	4	28	12,635 00
Chaplains - - - - - -	1	3	2	-	-	-	6	3,427 50
Midshipmen - - - - - -	30	54	28	80	24	21	237	54,036 00
Secretaries - - - - - -	1	-	-	-	-	-	1	1,000 00
School Masters - - - - -	1	3	2	8	-	-	14	5,477 50
Clerks - - - - - -	1	3	2	8	3	4	21	6,300 00
Boatswains - - - - - -	1	3	2	8	3	-	17	5,631 25
Gunner - - - - - -	1	3	2	8	3	4	21	6,956 25
Carpenters - - - - - -	1	3	2	8	3	-	17	5,631 25
Sailmakers - - - - - -	1	3	2	8	3	-	17	5,631 25
Boatswains' Mates - - - -	6	9	6	16	6	8	51	11,628 00

Gunners' Mates	3	6	4	8	3	-	24	5,472	00
Carpenters' Mates	3	6	4	8	3	5	29	6,612	00
Sailmakers' Mates	1	3	2	-	-	1	7	1,596	00
Quartermasters	10	24	16	40	12	16	118	25.428	00
Quarter Gunners	22	36	16	64	18	13	169	36,504	00
Yeomen	3	9	6	24	9	5	56	12.096	00
Captains' Stewards	1	3	2	8	3	4	21	4.536	00
Cooks' Stewards	1	3	2	8	3	4	21	4.536	00
Coopers	1	3	8	8	3	-	17	3.672	00
Armorers	1	3	2	8	3	.	17	3.672	00
Armorers' Mates	-	-	-	-	-	4	4	720	00
Masters at Arms	1	3	2	8	3	-	17	3,672	00
Ships' Corporals	5	6	4	-	-	-	15	2.520	00
Cooks	1	3	2	8	3	4	21	4,536	00
Cooks' Mates	1	-	-	-	-	-	1	144	00
Master of the Band	1	3	2	-	-	-	6	1,296	00
Musicians, 1st class	6	12	6	-	-	-	24	3,456	00
Musicians, 2d class	5	9	4	-	-	-	18	2 160	00
Seamen	280	450	240	480	150	56	1.656	238 464	00
Ordinary Seamen	260	510	260	400	120	40	1,590	190.800	00
Boys	40	45	20	80	30	17	232	16,704	00
Pay and Subsistence for six months, for returning from the Mediterranean	3	1	-	2	-	-	4,648	805 686	25
Pay and Subsistence for four months, for returning from the Pacific	-	1	-	-	1	-	-	132.040	25
							-	30,817	50
								958.544	00

(C.)

STATEMENT of the Pay and Rations, and all other allowances of Officers and others, at the Navy Yards and Hospitals.

PORTSMOUTH, N. H.	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants, at $8 00.	Servants, at $6 00.	Am'nt of Pay, Rations, and allowances per annum.
Captain	1	100	16	•	65	30	3	•	3,466 75
Master Commandant	1	60	5	300	40	20	2	•	2,010 75
Lieutenant	1	40	3	•	20	20	1	•	1,081 00
Master	1	40	2	200	20	12	1	•	1,141 75
Surgeon	1	50	2	200	20	20	1	•	1,309 75
Purser	1	40	2	200	20	12	1	•	1,141 75
Midshipmen	2	19	1	•	•	•	•	•	638 50
Boatswain	1	20	2	•	12	9	•	1	651 75
Gunner	1	20	2	•	12	9	•	1	651 75
Carpenter's Mate	1	19	1	•	•	•	•	•	319 25
Steward	1	18	1	•	•	•	•	•	307 25
									12,720 25
ORDINARY.									
Able Seamen	4	12	1	•	•	•	•	•	941 00
Ordinary Seamen	6	10	1	•	•	•	•	•	1,267 50
									2,208 50
CIVIL.									
Storekeeper	1	•	•	•	•	•	•	•	1,700 00
Clerk to ditto	1	•	•		•	•	•	•	250 00
Clerk of the yard	1	•	•		•	•	•	•	600 00
Naval Constructor	1	•	•		•	•	•	•	2,000 00
Clerk to ditto	1	•	•		•	•	•	•	240 00
Porter	1	25	•		•	•	•	•	300 00
									5,090 00
Whole amount, Dolls.	•	•	•	•	•	•	•	•	20,018 75

STATEMENT—Continued.

BOSTON.	Number.	Pay per month.	Rations pr. day.	House rent per annum.	Candles per annum	Cords of wood per annum.	Servants at $3	Servants at $6	Amount.	Whole Amount.
YARD.										
Captain - - -	1	100	16	•	65	30	3	•	3,466 75	
Master Commandant -	1	60	5	•	40	20	2	•	1,710 75	
Lieutenant - -	1	40	3	•	20	20	1	•	1,080 00	
Master - - -	1	40	2	•	20	12	1	•	941 75	
Master - - -	1	40	2	•	•	•	•	•	662 50	
Surgeon - -	1	50	2	•	20	20	1	•	1,109 75	
Surgeon's Mate - -	1	30	2	145	16	14	•	1	950 75	
Purser - - -	1	40	2	200	20	12	1	•	1,141 75	
Chaplain - -	1	40	2	250	•	•	•	•	912 50	
Midshipmen - -	4	19	1	•	•	•	•	•	1,277 00	
Boatswain - -	1	20	2	90	12	9	•	1	741 75	
Gunner - -	1	20	2	•	12	9	•	1	651 75	
Carpenter's Mate, qualified as Caulker -	1	19	1	•	•	•	•	•	319 25	
Steward - -	1	18	1	•	•	•	•	•	307 25	
										15,274 50
ORDINARY.										
Lieutenant - -	1	40	3	•	•	•	•	•	753 75	
Master - - -	1	40	2	•	•	•	•	•	662 50	
Carpenter - -	1	20	2	•	•	•	•	•	422 50	
Carpenter's Mate -	1	19	1	•	•	•	•	•	319 25	
Boatswain's Mate -	1	19	1	•	•	•	•	•	319 25	
Able Seamen - -	12	12	1	•	•	•	•	•	2,823 00	
Ordinary Seamen -	24	10	1	•	•	•	•	•	5,070 00	
										10,370 25
HOSPITAL.										
Surgeon - -	1	50	2	200	20	20	1	•	1,309 75	
Surgeon's Mate -	1	30	2	145	16	14	•	1	950 75	
Steward - -	1	18	1	•	•	•	•	•	307 25	
Nurses - - -	2	10	1	•	•	•	•	•	422 50	
Washers - -	2	8	1	•	•	•	•	•	374 50	
Cooks - - -	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL DEPARTMENT.										
Storekeeper - -	1	•	•	•	•	•	•	•	1,700 00	
Clerk to ditto - -	1	•	•	•	•	•	•	•	450 00	
Clerk of the Yard -	1	•	•	•	•	•	•	•	900 00	
Clerk to Commandant -	1	•	•	•	•	•	•	•	750 00	
Clerk to ditto - -	1	30	•	•	•	•	•	•	360 00	
Naval Constructor -	1	•	•	•	•	•	•	•	2,300 00	
Clerk to ditto - -	1	•	•	•	•	•	•	•	420 00	
Insp'r and Meas. of timber	1	•	•	•	•	•	•	•	900 00	
Porter - - -	1	25	•	•	•	•	•	•	300 00	
										8,080 00
Whole amo't. Dolls.	•	•	•	•	•	•	•	•	• •	37,324 75

STATEMENT—Continued.

NEW YORK.	Number.	Pay per month.	Rations pr. day	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount.	Whole Amount.
Captain - -	1	100	16	•	65	30	3	•	3,466 75	
Master Commandant -	1	60	5	300	40	20	2	•	2,010 75	
Lieutenant - -	1	40	3	200	20	20	1	•	1,281 00	
Master - - -	1	40	2	200	20	12	1	•	1,141 75	
Surgeon - -	1	50	2	200	20	20	1	•	1,309 75	
Surgeon's Mate -	1	30	2	145	16	14	•	1	950 75	
Purser - -	1	40	2	200	20	12	1	•	1,141 75	
Chaplain - -	1	40	2	250	•	•	•	•	912 50	
Midshipmen - -	4	19	1	•	•	•	•	•	1,277 00	
Boatswain - -	1	20	2	90	12	9	•	1	741 75	
Gunner - -	1	20	2	90	12	9	•	1	741 75	
Carpenter's Mate, qualified as Caulker -	1	19	1	•	•	•	•	•	319 25	
Steward - -	1	18	1	•	•	•	•	•	307 25	
										15,602 00
ORDINARY.										
Lieutenant - -	1	40	3	•	•	•	•	•	753 75	
Master - - -	1	40	2	•	•	•	•	•	662 50	
Carpenter - -	1	20	2	•	•	•	•	•	422 50	
Carpenter's Mate -	1	19	1	•	•	•		•	319 25	
Boatswain's Mate -	1	19	1	•	•	•	•	•	319 25	
Able Seamen - -	12	12	1	•	•	•	•	•	2,823 00	
Ordinary Seamen -	24	10	1	•	•	•		•	5,070 00	
										10,370 25
HOSPITALS.										
Surgeon - -	1	50	2	200	20	20	1	•	1,309 75	
Surgeon's Mate -	1	30	2	145	16	14	•	1	950 75	
Steward - -	1	18	1	•	•	•	•	•	307 25	
Nurses - -	2	10	1	•	•	•	•	•	422 50	
Washers - -	2	8	1	•	•	•	•	•	374 50	
Cooks - - -	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL.										
Storekeeper - -	1	•	•	•	•	•	•	•	1,700 00	
Clerk to ditto - -	1	•	•	•	•	•	•	•	450 00	
Clerk of the Yard -	1	•	•	•	•	•	•	•	900 00	
Clerk to Commandant -	1	•	•	•	•	•	•	•	750 00	
Clerk to ditto - -	1	30	•	•	•	•	•	•	360 00	
Naval Constructer -	1	•	•	•	•	•	•	•	2,000 00	
Clerk to ditto - -	1	•	•	•	•	•	•	•	420 00	
Insp'r and Meas. of timber	1	•	•	•	•	•	•	•	900 00	
Porter - - -	1	25	•	•	•	•	•	•	300 00	
										7,780 00
Dollars, -	•	•	•	•	•	•	•	•	• •	37,352 25

STATEMENT—Continued.

ILADELPHIA.	Number.	Pay pr. month.	Rations pr. day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount.	Total Amount.
YARD.										
n - - -	1	100	16	600	65	30	3	•	4,066 75	
Commandant -	1	60	5	300	40	20	2	•	2,010 75	
nant - -	1	40	3	200	20	20	1	•	1,281 00	
r - - -	1	40	2	200	20	12	1	•	1,141 75	
on - - -	1	50	2	200	20	20	1	•	1,309 75	
- - - -	1	40	2	200	20	12	1	•	1,141 75	
vain - -	1	20	2	90	12	9	•	1	741 75	
er - -	1	20	2	90	12	9	•	1	741 75	
nter's Mate, qualified as Caulker -	1	19	1	•	•	•	•	•	319 25	
rd - -	1	18	1	•	•	•	•	•	307 25	
										13,061 75
ORDINARY.										
Seamen - -	4	12	1	•	•	•	•	•	941 00	
ary Seamen -	6	10	1	•	•	•	•	•	1,267 50	
										2,208 50
HOSPITAL.										
on - -	1	50	2	200	20	20	1	•	1,309 75	
on's Mate -	1	30	2	145	16	14	•	1	950 75	
rd - -	1	18	1	•	•	•	•	•	307 25	
s - - -	2	10	1	•	•	•	•	•	422 50	
ers - -	2	8	1	•	•	•	•	•	374 50	
- - -	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL.										
keeper - -	1	•	•	•	•	•	•	•	1,200 00	
to storekeeper -	1	•	•	•	•	•	•	•	300 00	
of the Yard -	1	•	•	•	•	•	•	•	600 00	
to Commandant -	1	•	•	•	•	•	•	•	600 00	
Constructor -	1	•	•	•	•	•	•	•	2,300 00	
r Joiner, and Foreman of Carpenters -	1	•	•	•	•	•	•	•	1,200 00	
to Constructor -	1	25	•	•	•	•	•	•	300 00	
ctor and Measurer Timber - -	1	•	•	•	•	•	•	•	700 00	
r - - -	1	25	•	•	•	•	•		300 00	
										7,500 00
Amount, Dolls.	•	•	•	•	•	•	•	•	• •	26,370 25

STATEMENT—Continued.

WASHINGTON.	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords wood per annum.	Servants at $8.	Servants at $6.	Amount.	Whole Amount.
YARD.										
Captain,	1	100	16	•	65	30	3	•	3,466 75	
Master Commandant,	1	60	5	•	40	20	2	•	1,710 75	
Lieutenant,	1	40	3	•	20	20	1	•	1,081 00	
Master,	1	40	2	•	20	12	1	•	941 75	
Do. in charge of ordnance,	1	40	2	•	•	•	•	•	662 50	
Do. Keeper of magazine,	1	40	2	•	•	•	•	•	662 50	
Surgeon,	1	50	2	200	20	20	1	•	1,309 50	
Do. Mate,	1	30	2	145	16	14	•	1	950 75	
Purser,	1	40	2	200	20	12	1	•	1,141 75	
Boatswain,	1	20	2	90	12	9	•	1	741 75	
Gunner as Laboratory officer,	1	20	2	•	•	•	•	•	422 50	
Carpenter's Mate, qualified as Caulker,	1	19	1	•	•	•	•	•	319 25	
Steward,	1	18	1	•	•	•	•	•	307 25	
										13,718 00
ORDINARY.										
Boatswain's Mate	1	19	1	•	•	•	•	•	319 25	
Able seamen	6	12	1	•	•	•	•	•	1,411 50	
Ordinary do.	8	10	1	•	•	•	•	•	1,690 00	
										3,420 75
HOSPITALS.										
Surgeon	1	50	2	200	20	20	1	•	1,309 75	
Do. Mate	1	30	2	145	16	14	•	1	950 75	
Stewards	1	18	1	•	•	•	•	•	307 25	
Nurses	2	10	1	•	•	•	•	•	422 50	
Washers	2	8	1	•	•	•	•	•	374 50	
Cooks	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL.										
Storekeeper	1	•	•	•	•	•	•	•	1,700 00	
Clerk to do.	1	•	•	•	•	•	•	•	450 00	
Do of yard	1	•	•	•	•	•	•	•	900 00	
Do to commandant	1	•	•	•	•	•	•	•	1,000 00	
Do to do	1	40		•	•		•	•	480 00	
Naval Constructor	1	•	•	•	•		•	•	2,300 00	
Clerk to do	1	35	•	•	•		•	•	420 00	
Inspector and Measurer of timber	1	•	•	•	•	•	•	•	900 00	
Master chain cable and caboose maker	1	•	•	•	•	•	•	•	1,500 00	
Machinist	1	•	•	•	•	•	•	•	1,500 00	
Engineer	1	•	•	•	•	•	•	•	782 50	
Master Builder	1	•	•	•	•	•	•	•	1,500 00	
Do Plumber	1	•	•	•	•	•	•	•	1,200 00	
Porter	1	25	•	•	•	•	•	•	300 00	
										14,932 50
Dollars	•	•	•	•	•	•	•	•	•	25,671 25

STATEMENT—Continued.

NORFOLK.	Number.	Pay per month.	Rations per day.	House rent per year.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount.	Whole Amount.
YARD.										
Captain - - -	1	100	16	•	65	30	3	•	3,466 75	
Master Commandant -	1	60	5	300	40	20	2	•	2,010 75	
Lieutenant - - -	1	40	3	200	20	20	1	•	1,281 00	
Master - - -	1	40	2	200	20	12	1	•	1,141 75	
Surgeon - - -	1	50	2	200	20	20	1	•	1,309 75	
Do Mate - -	1	30	2	145	16	14	•	1	950 75	
Purser - - -	1	40	2	200	20	12	1	•	1,141 75	
Chaplain - - -	1	40	2	250	•	•	•	•	912 50	
Midshipmen - - -	4	19	1	•	•	•	•	•	1,277 00	
Boatswain - - -	1	20	2	90	12	9	1	•	741 75	
Gunner - - -	1	20	2	90	12	9	1	•	741 75	
Carpenter's Mate, as Caulker	1	19	1	•	•	•	•	•	319 25	
Steward - - -	1	18	1	•	•	•	•	•	307 25	
										15,602 00
ORDINARY.										
Lieutenant - - -	1	40	3	•	•		•	•	753 75	
Master - - -	1	40	2	•	•	•	•	•	662 50	
Carpenter - - -	1	20	2	•	•	•	•	•	422 50	
Do Mate - -	1	19	1	•	•	•	•	•	319 25	
Boatswain's Mate - -	1	19	1	•	•	•	•	•	319 25	
Able seamen - -	12	12	1	•	•	•	•	•	2,823 00	
Ordinary do - - -	24	10	1	•	•	•	•	•	5,070 00	
										10,370 25
HOSPITAL.										
Surgeon - - -	1	50	2	200	20	20	1	•	1,309 75	
Do Mate - -	1	30	2	145	16	14	•	1	950 75	
Steward - - -	1	18	1	•	•	•	•	•	307 25	
Nurses - - -	2	10	1	•	•	•	•	•	422 50	
Washers - - -	2	8	1	•	•	•	•	•	374 50	
Cooks - - -	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL.										
Storekeeper - - -	1	•	•	•	•	•	•	•	1,700 00	
Clerk to do - -	1	•	•	•	•	•	•	•	450 00	
Do to yards - -	1	•	•	•	•	•	•	•	900 00	
Do to Commandant -	1	•	•	•	•	•	•	•	750 00	
Do to do -	1	30	•	•	•	•	•	•	360 00	
Naval Constructor - -	1	•	•	•	•	•	•	•	2,000 00	
Clerk to do - -	1	35	•	•	•	•	•	•	420 00	
Inspector & Measurer of timber	1	•	•	•	•	•	•	•	900 00	
Keeper of Magazine -	1	•	•	•	•	•	•	•	480 00	
Porter - - -	1	25	•	•	•	•	•	•	300 00	
										8,260 00
Dollars - - -	•	•	•	•	•	•	•	•	•	37,832 25

STATEMENT—Continued.

PENSACOLA.	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount.	Whole amount.
Captain - - -	1	100	16	600	65	30	3	•	4,066 75	
Master Commandant -	1	60	5	300	40	20	2	•	2,010 75	
Lieutenant - - -	1	40	3	200	20	20	1	•	1,281 00	
Master - - -	1	40	2	200	20	12	1	•	1,141 75	
Purser - - -	1	40	2	200	20	12	1	•	1,141 75	
Midshipmen - -	4	19	1	•	•	•	•	•	1,277 00	
Boatswain - - -	1	20	2	90	12	9	•	1	741 75	
Gunner - - -	1	20	2	90	12	9	•	1	741 75	
Carpenter's Mate, as Caulker	1	19	1	•	•	•	•	•	319 25	
Steward - - -	1	18	1	•	•	•	•	•	307 25	
										13,029 00
ORDINARY.										
Able Seamen - -	4	12	1	•	•	•	•	•	941 00	
Ordinary do - -	6	10	1	•	•	•	•	•	1,267 50	
										2,208 50
HOSPITAL.										
Surgeon - - -	1	50	2	200	20	20	1	•	1,309 75	
Do Mate - -	1	30	2	145	16	14	•	1	950 75	
Steward - - -	1	18	1	•	•	•	•	•	307 25	
Nurses - - -	2	10	1	•	•	•	•	•	422 50	
Washers - - -	2	8	1	•	•	•	•	•	374 50	
Cook - - -	1	12	1	•	•	•	•	•	235 25	
										3,600 00
CIVIL.										
Storekeeper - -	1	•	•	•	•	•	•	•	1,700 00	
Clerk to do - -	1	•	•	•	•	•	•	•	250 00	
Do of yard - -	1	•	•	•	•	•	•	•	900 00	
Master Joiner - -	1	$3 p. day		•	•	•	•	•	939 00	
Master Builder - -	1	•	•	•	•	•	•	•	2,000 00	
Clerk to do - -	1	25	•	•	•	•	•	•	300 00	
Porter - - -	1	25	•	•	•	•	•	•	300 00	
										6,389 00
Dollars - - -	•	•	•	•	•	•	•	•	•	25,226 50

STATEMENT—Continued.

SACKETTS.	Number.	Pay per month.	Rations per day.	House rent per year.	Candles per year.	Cords of wood per year.	Servants at $8.	Amount.	Total.
Master - - -	1	40	2	200	12	20	1	1,141 75	1,141 75
BALTIMORE STATION.									
Captain - - -	1	100	8	300	65	30	3	3,036 75	
Surgeon - - -	1	50	2	200	20	20	1	1,309 75	
Purser - - -	1	40	2	•	•	•	•	662 50	
	3								5,009 00
CHARLESTON, S. C. STATION.									
Captain - - -	1	100	8	300	65	30	3	3,036 75	
Surgeon - - -	1	50	2	200	20	20	1	1,309 75	
Purser - - -	1	40	2	•	•	•	•	662 50	
	3								5,009 00

RECAPITULATION.

	Yard, Naval.	Yard, Ordinary.	Yard, Civil.	Hospital.	Total Amount.
Portsmouth, N. H.	12,720 25	2,208 50	5,090 00	-	20,018 75
Boston - -	15,274 50	10,370 25	8,080 00	3,600 00	37,324 75
New York -	15,602 00	10,370 25	7,780 00	3,600 00	37,352 25
Philadelphia -	13,061 75	2,208 50	7,500 00	3,600 00	26,370 25
Washington -	13,718 00	3,420 75	14,932 50	3,600 00	35,671 25
Norfolk - -	15,602 00	10,370 25	8,260 00	3,600 00	37,832 25
Pensacola -	13,029 00	2,208 50	6,389 00	3,600 00	25,226 50
Sacketts - -	1,141 75	-	-	-	1,141 75
Dollars,	100,149 25	41,157 00	58,031 50	21,600 00	220,937 75
Baltimore -	5,009 00	-	-	-	5,009 00
Charleston -	5,009 00	-	-	-	5,009 00
Dollars,	10,018 00	-	-	-	10,018 00

(D.)

STATEMENT of the Number, Pay, &c. of Officers, &c. required for five receiving vessels, for the year 1827, explanatory of part of the first item of Appropriation.

	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total number.	Amount.
							Dolls. Cts
Masters Commandant -	1	1	1	1	-	4	4,340 00
Lieutenants - - -	3	3	2	3	2	13	8,612 50
Pursers - - - -	1	1	-	1	-	3	1,713 75
Masters - - - -	1	1	-	1	-	3	1,713 75
Surgeon's Mates - -	1	1	-	1	-	3	1,353 75
Midshipmen - - -	3	3	2	3	2	13	2,964 00
Boatswain's Mates - -	1	1	1	1	1	5	1,140 00
Carpenter's Mates - -	1	1	1	1	-	4	912 00
Stewards - - - -	1	1	1	1	1	5	1,080 00
Cooks - - - -	1	1	1	1	1	5	1,080 00
Able Seamen - - -	2	2	2	2	2	10	1,440 00
Ordinary do. - - -	6	6	4	6	2	24	2,880 00
Boys - - - -	4	4	2	4	2	16	1,152 00
						108	30,381 75

(E.)

STATEMENT of the Pay, &c. of Officers, attached to Recruiting Stations, together with one Captain, as Ordnance Officer, explanatory of part of the first Item of Appropriation.

	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total number.	Amount.
							Dolls. Cts.
Master Commandant -	1	1	1	1	1	5	5,881 25
Lieutenants - - -	1	1	1	1	1	5	3,768 75
Midshipmen - - -	1	1	1	1	1	5	1,596 25
Surgeons - - -	1	1	1	1	-	4	3,130 00
Ditto Mates - - -	-	-	-	-	1	1	542 50
						20	14,918 75
ORDNANCE DUTY,							
Captain - - - - - - -						1	$1,930 00

(F.)

***EXHIBIT** of the Officers, &c. awaiting Orders and on Furlough, explanatory of part of the first item of Appropriation.*

	Captains.	Masters Commandants.	Lieutenants.	Masters.	Pursers.	Midshipmen.	Total number.	Amount.
								Dolls. Cts.
Awaiting orders -	9	-	83	-	4	20	116	88,966 25
On furlough - -	-	2	15	2	-	1	20	7,651 50
	9	2	98	2	4	21	136	96,617 75

RECAPITULATION,

Shewing the sums composing the first item of Appropriation.

Pay, &c. in Commission - - - -		968,544 00
Ditto	Yards - - - -	220,937 75
Ditto	Stations - - - -	10,018 00
Ditto	Receiving vessels - - -	30,381 75
Ditto	Recruiting stations - - -	14,918 75
Ditto	Ordnance duty - - -	1,930 00
Ditto	Awaiting orders, &c. - - -	96,617 75
	Dollars,	1,343,348 00

(G.)

ESTIMATE of Provisions required for the Navy, for the year 1827.

For vessels in commission, during the whole year		4,648	
For marines, for ditto - - -		666	
For receiving vessels - - -		108	
		5,422 Persons	
At one ration per day, makes -		1,979,030 Rations	
Estimated at 25 cents, is - - -			$ 494,757 50
Add, one ship of the line, one frigate, first class, two sloops	for 6 months 1,475 persons		67,296 87½
Also, one frigate, first class, one sloop, 2d class,	for 4 months 562 persons		17,094 16⅔
	Amount, Dollars,		579,148 54

(H.)

ESTIMATES for the Improvements and Repairs of Navy Yards, explanatory of the sixth item of Appropriation.

PORTSMOUTH, N. H.

For accommodations for officers, blacksmith shop; covering roofs of ship-houses, with two-third slate, and copper one-third, levelling and repairing - -	$ 17,412 55

BOSTON.

For completing the yard wall, launching ways for seventy-four and frigate, causeway to connect blacksmith shop with ship-house, warrant officers' quarters, repairs of wharves and buildings; covering the roofs of ship-houses, with one-third copper, and two-thirds slate, levelling the yard - - - -	50,657 70

NEW YORK.

For commencement of wall, completing mast and boat houses, making new front to wharves, stone work, repairs of buildings, covering roof of ship houses, ⅓ copper, and ⅔ slate, levelling and filling yard -	55,160 28

PHILADELPHIA.

For building storehouses, building mast house, completing wharf, covering roof of ship houses with tin, repairs of buildings, &c. conveying water to the yard, and privilege of using the same - - -	60,635 22

WASHINGTON.

For warrant officers' houses, tinning ship house, repairs and filling in wharfs . - - -	16,561 04

NORFOLK.

For extension of the yard wall, officers' quarters, mast house, timber sheds, boat houses, facing wharves with stone, covering roofs of ship houses, $\frac{1}{3}$ copper, $\frac{2}{3}$ slate	82,004 09

PENSACOLA.

For officers' quarters, storehouses, work shops, wharfs	49,875 50
Dollars,	332,306 38

(I.)

EXHIBIT shewing the Disposition and Force of the Vessels of the United States' Navy, and of the Vessels Building under the Laws for the Gradual Increase of the Navy, and for Building ten Sloops of War.

Independence -	74	Boston - - - -	In ordinary.
Franklin - -	74	New York - - -	do
Washington -	74	do - - - -	do
Columbus -	74	Boston - - - -	do
Delaware -	74	Norfolk - - -	do
North Carolina	74	Mediterranean - -	In service.
Ohio - -	74	New York - - -	In ordinary.
Chippewa -	74	Sackett's Harbor } -	Under cover.
New Orleans -	74	do }	
United States -	44	Pacific - - -	In service.
Constitution -	44	Mediterranean - -	do
Guerriere -	44	Norfolk - - -	Repairing.
Java - -	44	Boston - - - -	do
Potomac - -	44	Washington - - -	In ordinary.
Brandywine -	44	Pacific - - -	In service.

EXHIBIT I—Continued.

Congress	36	Washington	Repairing.
Constellation	36	West Indies and Gulf of M.	In service.
Macedonian	36	Coast of Brazil	do
Cyane	24	do	do
John Adams	24	West Indies, &c.	do
Boston	24	Coast of Brazil	do
Vincennes	24	Pacific	do
Lexington	24	West Indies, &c.	do
Ontario	18	Mediterranean	do
Erie	18	do	do
Peacock	18	Pacific	do
Hornet	18	West Indies	do
Porpoise	12	Mediterranean	do
Dolphin	12	Pacific	do
Frigate of the 1st class, lately purchased, and in ordinary at N. York.			
Grampus	12	West Indies and Gulf of M.	In service.
Shark	12	do	do
Fox	3	Baltimore	Receiving vessel.
Alert		Norfolk	do
Sea Gull		Philadelphia	do
Fulton Steam Frigate,		New York	do

BUILDING.

Alabama,	at Portsmouth	Ships of the Line.
Virginia, Vermont,	at Boston	
Pennsylvania,	at Philadelphia	
New York,	at Norfolk	
Santee,	at Portsmouth	Frigates First Class.
Savannah,	at New York	
Sabine,	do	
Rariton,	at Philadelphia	
Cumberland,	at Boston	
Columbia,	at Washington	
St. Lawrence,	at Norfolk	
Concord,	at Portsmouth	Sloops First Class.
Warren,	at Boston	
Falmouth,	do	
Fairfield,	at New York	
Vandalia,	at Philadelphia	
St. Louis,	at Washington	
Natchez,	at Norfolk	

Frames for three Frigates, of the first class, contracted for.

(K.)

ESTIMATE of the sums required for the support of the office of the Navy Commissioners for the year 1827.

Commissioners of the Navy Board,	$10,500
Secretary,	2,000
Clerks per act of 20th April, 1818,	3,550
Clerks and draftsman per act of 26th May, 1824,	4,000
Messenger,	700
Contingent expenses,	1,800
	$22,550

NAVY COMMISSIONERS' OFFICE, *November 9th*, 1826.

ESTIMATE of the sums required for the support of the office of the Secretary of the Navy, for the year 1827.

Salary of the Secretary of the Navy, per act of Congress of 20th February, 1819,	6,000
Compensation to the Clerks, authorized per act of 20th April, 1818,	8,200
Compensation to one additional Clerk, per act of 26th May, 1824,	1,000
Compensation to the Messenger and Assistant Messenger,	1,050
Contingent expenses,	3,000
	$ 19,250

Submitted.

Additional compensation to the clerk whose salary is now 800 dollars, which is proposed to be increased to 1,000 dollars per annum,	200
Compensation to one additional Clerk,	1,000
	$20,450

The necessity for the two last items was fully explained in a letter to the Chairman of the Committee of Ways and Means of the House of Representatives, dated 21st January, 1826.

Note.—Of the sum estimated for contingent expenses, $ 2,000 will be required for the current expenses of 1827, the other $ 1,000 for arrearages of and prior to 1826, to repay the amount heretofore expended for extra clerk hire during the session of Congress, and for similar expenses during the ensuing session.

ESTIMATE of the sum required for the improvement and repairs of the two Executive Buildings West of the President's House, occupied by the War and Navy Departments, in addition to what is now granted, submitted by the Superintendent.

For repairing the wells and pumps, which are considerably out of order, - - - - - - - -	$120
For painting the passages, out side walls, and window frames,	500
For planting trees and making pavement, - - -	200
	$ 880

Z.

ESTIMATES FOR THE MARINE CORPS FOR THE YEAR 1827.

Head Quarters of the Marine Corps,
Washington, 13th Nov. 1826.

SIR: I have the honor to transmit to the Department the estimates for the Marine Corps for the year 1827, together with a letter from the Quartermaster, explanatory of them.

I remain, with great respect,
Your most obd't. serv't.
ARCHD. HENDERSON,
Lt. Col. Commandant.

Hon. SAMUEL L. SOUTHARD,
Secretary of the Navy,

ESTIMATE of Pay for Officers, Non-commissioned Officers, Musicians, and Privates, and Subsistence for the Officers of the United States' Marine Corps, for the year 1827.

PAY.

1 Lieut. Col. Commandant,	at $75	per month,	$900
1 Lieutenant Colonel, -	- 60	do	720
1 Paymaster, -	- 50	do	600
1 Quartermaster, -	- 60	do	720
7 Captains, -	- 40	do	3,360
23 First Lieutenants, -	- 30	do	8,280

16 Second Lieutenants,	-	- 25	per month,	4,800	
1 Surgeon,	-	- 50	do	600	
1 Surgeon's Mate,	-	- 40	do	480	
1 Sergeant Major,	-	- 10	do	120	
1 Quartermaster Sergeant,		- 10	do	120	
1 Drum Major,	-	- 9	do	108	
1 Fife Major,	-	- 9	do	108	
71 Sergeants,	-	- 9	do	7,668	
73 Corporals,	-	- 8	do	7,008	
20 Drummers,	-	- 7	do	1,680	
20 Fifers,	-	- 7	do	1,680	
750 Privates,	-	- 6	do	54,000	
Extra pay to Adjutant and Inspector,		30	do	360	
					93,312

SUBSISTENCE.

1 Lieut. Colonel, 6 rations per day, and six as Comdt. 12 rations per day, is 4,380, at 20 cents each,				$876	
1 Lieut. Colonel, 5 rations per day, is 1,825, at 20 cts.				365	
1 Paymaster,	4	do	1,460, do	292	
1 Quartermaster,	4	do	1,460, do	292	
7 Captains,	3	do	7,665, do	1,533	
23 First Lieuts.	4	do	33,580, do	6,716	
16 Second do.	3	do	17,520, do	3,504	
1 Surgeon,	2	do	720, at 25,	180	
1 Surgeon's Mate,	2	do	720, 20,	146	
					13,904
			Dollars,		107,216

Head Quarters of Marines,
Paymaster's Office,
WASHINGTON, 13*th Nov.* 1826.

JOS. L. KUHN,
Paymaster M. C.

HEAD QUARTERS MARINE CORPS,
QUARTERMASTER'S OFFICE,
Washington City, November 1, 1826.

SIR: I have the honor to transmit an estimate of appropriation required for the Quartermaster's Department of the Marine Corps, for the year 1827.

The limits defined by the Commissioners of the Navy for the marine enclosure in the Navy Yard at Philadelphia, render it necessary, in order to properly locate the officers' quarters, (for which an appropriation was made last year) that the Barracks occupied by the men

should be removed, and as they are old and the expense of repairing them would be considerable, it was deemed advisable to suspend the building of the officers' quarters, until the additional sum of $11.000 in the present estimate could be obtained for the erection of new barracks for the men.

Explanatory of the necessity of the appropriation for barracks at New York, I enclose herewith a certificate forwarded to this office by Lieut. Col. R. Smith, shewing the present barracks to be untenantable and unworthy of repair.

I would further state that from personal inspection I agree in opinion with the signers of the certificate.

I am, very respectfully, Sir,
Your obd't servt.
E. J. WEED,
Q. M. M. C.

To Col. A. Henderson,
Commandant Marine Corps.

Marine Barracks, Brooklyn, N. Y.
12th October, 1826.

Sir: In obedience to your request, we have taken a survey of the quarters occupied by the troops under your command, and have the honor to make the following statement:

That, on examination of the left wing of the Barracks, we find, that the dilapidated condition of the roof, and the rottenness of the timbers, renders it entirely unfit to be occupied. The condition of the roof is such, that, in bad or wet weather the rain is admitted in many parts: and we find, on inspection this day, that the floor of a room occupied by one of the officers is completely overflowed by water, admitted through the roof.

That the rooms occupied by the non-commissioned officers and privates are not in a fit state to live in; they all leak, and it is our opinion, it would be dangerous to attempt a repair of the roof, from the rottenness of the rafters: besides a repair might be attended with more expense than the buildings are worth.

That one of the barrack rooms is occupied as a hospital, and is entirely unfit for the accommodation or comfort of the sick.

That the room occupied as the Commanding Officer's Office, is in a very leaky condition, and it appears impossible for the clerk to keep the books and papers in a proper state of preservation.

That the guard room is very bad, and the cells above it so entirely insecure, that the safe keeping of the prisoners is rendered doubtful, even with the most constant vigilance.

That the quarters occupied by the commanding officer in wet weather are entirely untenantable.

That in fact the money it would require to put the Barracks in good repair. would be more than the buildings in their present condition are worth.

That the building occupied as a store, for arms, accoutrements and clothing, is a mere *shell*. and admits the rain in almost every part; in consequence, the articles receive much injury from such exposure.

We are, Sir, respectfully,
Your obd't servts.

BENJN. MACOMBER,
Lieutenant of Marines.
G. F. LINDSAY,
Lieutenant of Marines.
JOHN F. WALTON,
Master Joiner, Navy Yard.

Colonel RICHARD SMITH,
Commanding Marines, New York.

ESTIMATE for Expenditures in the Quartermaster's Department of the United States' Marine Corps, for the year 1827.

SUBSISTENCE.

For 297 non-commissioned officers, musicians, privates, and washerwomen serving on shore, at one ration per day each, is 108,405 rations, at 12 cents per ration, is		$13,008 60

CLOTHING.

For 938 non-commissioned officers, musicians, and privates, at 30 dollars each. - - -	28,140	
For 100 watch coats, at 6 dollars 25 cents each,	625	
		28,765 00

FUEL.

For the officers, non-commissioned officers, musicians, privates, and washerwomen, and for the public offices and armory, - - - - - - -	9,098

CONTINGENCIES.

For travelling expenses for officers, and transportation of men. freight of stores from one station to another, toll, ferriage, wharfage, and cartage. expenses of recruiting, per diem allowance for attending courts martial and courts of inquiry, and for officers on extra duty, compensation to judge advocates, house rent, and chamber money, where there are no quarters assigned, incidental labor in the quartermaster's department, expenses for

burying deceased persons belonging to the Marine Corps, printing and stationery, postage on public letters, forage. expenses of pursuing deserters, keeping in repair the barracks at the different stations, straw for the men, barrack furniture, spades, shovels, axes, picks, and carpenters' tools, and for no other purpose whatever, - - - -	$13,500	
For sundry expenses arising in the current year, and not hereinbefore mentioned, - -	500	
		14,000 00

MEDICINES.

For medicines, hospital stores, and instruments, for the officers and marines (on shore) - - -		2,369 71

BARRACKS.

For completing the barracks at Philadelphia,	11,000	
For erecting new barracks at New York,	30,000	
		41,000 00
		$108,241 31

Head Quarters Marine Corps,
Quartermaster's Office,
WASHINGTON CITY, 14*th Nov.* 1826.

E. J. WEED, *Q. M. M. C.*

REPORT

OF

THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
18th *November*, 1826.

SIR: I have the honor to submit to you a statement of the operations of this Department, for the year ending the 1st July last.

Very respectfully,
Your obedient servant,
JOHN McLEAN.

The PRESIDENT OF THE UNITED STATES.

POST OFFICE DEPARTMENT,
18th *November*, 1826.

Within the year ending on the 1st July, 1825, there was received for postage, the sum of - - -	$1,252,061 32
The expenditures during that year, were -	1,206,584 42
Leaving a surplus of receipts of forty-five thousand four hundred and seventy-six dollars and ninety cents	45,476 90
The receipts for the year ending on the 1st July last, were - - - - -	$1,388,416 82
For the same period, the expenditures amounted to - - - - - -	1,309,316 21
Which leaves seventy-nine thousand one hundred dollars and sixty-one cents of receipts above the expenditures - - - - -	79,100 61

A comparison of the above receipts, shows an increase of revenue, during the last year, above the preceding one, of one hundred and thirty-six thousand three hundred and fifty-five dollars and fifty cents.

From my report of last year, it appeared that the means of the Department, (including a reduction of

expenditure of forty-seven thousand eight hundred and twenty-one dollars and twelve cents,) for the year ending 1st July, 1826, exceeded those of the year ending 1st July, 1823 - - - $ 185,537 32

To this may be added the receipts of the last year above those of the preceding - - - 136,355 50

Making three hundred and twenty-one thousand eight hundred and ninety-two dollars and eighty-two cents of revenue for the last year, above the receipts of the year ending 1st July, 1823 - - - 321,892 82

This amount, it will be observed, includes no part of the old debt.

The increase of the revenue of this Department arises, in no inconsiderable degree, from the facilities which have lately been given on important routes, and the growing confidence of the public, in the safety and regularity of the mail.

Since the last annual statement, contracts have been made for an additional transportation of the mail in stages, two hundred and fifty-nine thousand three hundred and sixty four miles, and, on horseback, sixty-nine thousand one hundred and sixty miles, annually.

This transportation, when added to the increase of the two preceding years, will show an augmented conveyance of the mail, in comparison with the year 1823, of one million eight hundred and fifty-seven thousand three hundred and forty-five miles.

Seven hundred and fourteen Post Offices have been established within the past year; these, when added to those established in the two preceding years, make seventeen hundred and fifty-four.

A comparison of the above augmentation of revenue, transportation, and Post Offices, with former years, will show the rapid extension of the operations of this Department.

In 1801, the receipts for postage were - - $ 320,443 00

The increased revenue of last year, over the year ending 1st July, 1823, as above stated - - 321,892 82

Leaving fourteen hundred and forty-nine dollars and eighty-two cents more than the total revenue of 1801 - - - - - - - 1,449 82

The augmented transportation of the mail since 1st July, 1823, is equal to its conveyance throughout the Union in 1800.

In 1806 there were but seventeen hundred and ten Post Offices; there are now six thousand two hundred and eighteen; seventeen hundred and fifty-four of which have been established since 1st July, 1823.

On the contracts which have been lately made for the South and Southwest, some reduction of expense has been effected, though great additional facilities have been given.

On the route by the way of Huntsville, Columbus, Jackson, and Natchez, to New Orleans, under the new contracts, the mail will be carried in covered carriages. Stages have been established to run three trips weekly, between Milledgeville, in Georgia, and Montgo-

mery, in Alabama, and thence to Blakely, when steamboats cannot ply to Montgomery.

From Blakely and Mobile to New Orleans, the mail will be conveyed three trips weekly, in steamboats. On this route the great mail to New Orleans will be transported in four days less time from Washington City, and all places North of it, than on the route by way of Natchez.

A new principle has been incorporated into the late contracts, which, it is believed, will produce great regularity in the conveyance of the mail.

Excuses for delays and total failures have always been heard, and when it appeared that the obstructions were such as could not be overcome, no penalties have been imposed. Under this practice, it has been found that carriers often endeavor to avoid the effects of their own negligence by statements which exempt their employers from fines. This presents a strong inducement for them to magnify difficulties and procure certificates from persons with whom they may have influence, corroborative of their own allegations. To remove this motive and induce the utmost exertion. by the late contracts, a penalty follows every failure, without regard to the cause producing it. As this penalty is increased by the addition of every seven minutes' delay, and as a failure to connect with a depending line, through any want of exertion, may forfeit the contract, no greater inducement can be offered to insure a punctual delivery of the mail.

On the 1st July, 1823. balances were due from contractors, Postmasters, and late Postmasters, amounting to -		$391,994 59
There was due to contractors, for services rendered prior to that time, which should be deducted, the sum of - - -	$26,548 64	
Amount of debts since ascertained to be bad - - - -	27,814 24	
Suits pending and judgments, amounting to - - - -	149,500 00	
Estimated amount of balances composing a part of the debt above stated, which have been adjusted by credits	30,000 00	
		233,862 88
		$158,131 71
From this sum deduct the amount of the expenditures over the receipts for the year ending 1st July, 1824 - - - - - -		12,387 35
		$145,744 36
Amount of receipts above the expenditures for the year ending 1st July, 1825 - - -		45,476 90
Excess of receipts over expenditures for last year -		79,100 61
		$270,321 87

This sum is subject to the order of the Department.

As the means of the Department are ample to meet all its engagements, and any reasonable amount of additional expenditure which Congress may think proper to authorize, by the establishment of new routes, it is desirable that its contingent expenses and the salaries of its officers should be paid out of its own funds, and the Treasury be released from the usual appropriations for that purpose.

Fifty thousand dollars might be saved annually by the discontinuance of unproductive post routes.

Under the law passed at the last session of Congress, requiring the mail routes from Columbus, in Mississippi, to Doake's, and from Chatahoucha, in Georgia, to Line Creek, in Alabama, to be repaired, contracts have been made and the work commenced.

REPORT

OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE.

GENERAL LAND OFFICE, 1st *December*, 1826.

Sir: Referring to the report made by me on the 15th of December, 1825, and then submitted to you, I have now the honor to state that the whole of the very heavy arrearages of the business of the office has been brought up; and that the current business of the office, in all its branches, has been brought up to the present time, so far as the returns have rendered it practicable; and I feel great satisfaction in adding, that, with few exceptions, the returns of the Registers and Receivers have been promptly and regularly made, and that in most of the cases where there has been delay in making their returns, satisfactory reasons have been assigned for such delay. The paper No. 1 exhibits the periods to which the quarterly accounts of the Receivers have been returned, the periods to which they have been adjusted; and the amounts in the hands of the Receivers at the dates of the accounts respectively. The paper No. 2 is a statement showing the cases where the returns of the Registers have been delayed, and the causes of such delay, so far as they are known to this office.

In respect to the Surveying Department, so far as it is connected with this office, I have the honor to state, that the returns of the Surveyor General, whose surveying district embraces the States of Ohio and Indiana, and the Territory of Michigan, are regularly and promptly made, and that there are no existing embarrassments in relation to the business of that office.

In the surveying district embracing the States of Illinois and Missouri, and the Territory of Arkansas, every possible exertion is made by the very able officer at the head of that Department, to bring up the very heavy arrearages which existed in that office previous to his appointment, and to execute the current business.

In the district embracing the States of Mississippi and Louisiana, great embarrassments exist in the Surveying Department, and particularly in relation to the surveying and preparing for patenting, the private claims in the State of Louisiana. Some of the causes of embarrassment can only be removed by the interposition of legislative regulations. On this subject I made a communication to the Chair-

man of the Land Committee of the House of Representatives during the last session of Congress: and without some further legal provisions, I have great doubts whether the present incumbent will be able to surmount the existing difficulties attending the execution of the surveys in that district.

In the surveying district which embraces the State of Alabama, the surveying has generally been executed with the exception of the surveying of the lands lying South of the 31st degree of latitude in that State. This particular tract of country formed a part of the surveying district embracing the States of Mississippi and Louisiana, but, by the Act of the 28th of February, 1824, it was attached to the surveying district of the State of Alabama. As, however by the existing laws, the surveying of the private claims in this tract of country, which include a large portion of the best land in it, is subject to the direction of one of the principal Deputy Surveyors for the State of Louisiana, it has been deemed expedient to suspend the surveying generally, until the surveying of the private, as well as the public lands, shall be placed by legislative enactment under the entire control of the Surveyor for Alabama. A communication embracing this subject has been made to the Chairman of the Land Committee of the House of Representatives.

In the surveying district for the Territory of Florida, the surveying of the public lands has progressed with as much rapidity as was desirable. It is, however, indispensably necessary for the further due execution of the surveying business in that Territory, that legislative provision be made for the surveying of the private land claims in Florida. Had the bill in relation to this subject, which was reported to the House of Representatives at the last session of Congress, been acted upon, and passed, it would have enabled the Surveyor to have closed the surveys of the private and public lands in that Territory within a very short period of time.

The arrearages of the business of this office having been brought up, and all that portion of the business relating to military land claims of every description being very much diminished, it becomes my duty to state that the number of the Clerks in this office, may, with a due regard to the public interest, be diminished. Previous to the Act of the 20th of April 1818, the number of Clerks in this office had been increased, with a view to expedite the issuing of the military land patents to the soldiers of the late war. The Act referred to authorized the employment of twenty-three Clerks in this office, and fixed the compensation, which amounted to twenty-two thousand five hundred and fifty dollars, and regulated their salaries agreeably to the annexed schedule marked No. 3. But, as the duties assigned to, and required of the respective Clerks in this office, in no manner corresponded with the amount of the salaries which they respectively received, and as the Act of 1818 had fixed the salaries of the Clerks in this office in a ratio very disproportionate to the salaries of the Clerks in all the other Departments of the Government, its provisions have operated unequally and injuriously in relation to this office.

Doc. No

EXHIB

LAN

Marietta
Zanesville
Steubenville
Chillicothe
Cincinnati
Wooster
Piqua -
Delaware
Jeffersonville
Vincennes
Indianopolis
Crawfordsvill
Fort Wayne
Kaskaskia
Shawneetown
Edwardsville
Vandalia
Palestine
Springfield
Detroit -
Monroe -
St. Louis
Franklin
Cape Girarde
Palmyra
Lexington
Batesville
Little Rock
Ouachita
Opelousas
New Orleans
St. Helena C
Washington
Augusta
Choctaw Di
St. Stephen'
Huntsville
Tuscaloosa
Cahaba -

Sparta -
Tallahassee

and injuriously in relation to this office.

[Doc. No. 2.]

It is believed that seventeen competent Clerks, seven of thos good and efficient Book Keepers, would be adequate to execu business assigned to this office. I therefore submit the paper m No. 4, exhibiting a statement of the number of Clerks required i office, the nature of their duties and their salaries, respectively, reference to the salaries generally allowed in other offices, and respectfully recommend that, from and after the 4th of Marc that part of the Act of the 20th of April 1818, which regul number and fixes the compensation of the Clerks in this office amended as to regulate the number and fix the compensation same, in conformity to the statement exhibited in the pape submitted.

I have the honor to be, with very great respect, your obedient vant.

GEO. GRAHAM.

Hon. RICHARD RUSH,
Secretary of the Treasury.

No. 2.

tement exhibiting the Returns of the Registers of the Land Offices, which have been delayed, and the cause of such delay.

gton, Missouri.—Returns made to November, 1825. No Receiver has been in commission since that period, which circumstance has stopped the sales.

Orleans, Louis.—Returns made to 31st March, 1826. The Receiver removed in consequence of absence.

wba, Alabama.—Returns to June, 1826. The Register absent on account of his health.

uskaloosa, " Returns to June, 1826. Sickness of the officer has caused the delay.

No. 3.

Schedule of the number of Clerks in the General Land Office, and their salaries, respectively, as fixed by the act of the 20th April, 1818.

1	Chief Clerk,	at	$1,700 00	per	annum,	is	$1,700 00
2	Clerks,	"	1,400 00	"	"	"	2,800 00
3	Clerks,	"	1,150 00	"	"	"	3,450 00
5	Clerks,	"	1,000 00	"	"	"	5,000 00
12	Clerks,	"	800 00	"	"	"	9,600 00
23							$22,550 00

No. 4.

Schedule of the number of Clerks and their salaries, respectively, as proposed by the Commissioner of the General Land Office, to be substituted in lieu of those authorised by the second section of the act of the 20th of April, 1818.

1	Chief Clerk, - - - -	at $1,700	is $1,700
7	Good and efficient Accountants and Book-keepers, - - - -	1,150	8,050
1	Draughtsman, - - - -	1,150	1,150
1	Clerk to superintend the private claims and keep the contingent account, - -	1,150	1,150
1	Clerk to attend to Military Land Claims,	1,150	1,150
6	Clerks for making out patents, recording, copying, and making indexes, - -	1,000	6,000
	Additional allowance to the Clerk who keeps the account of the 3 per cent. fund,		250
			$19,450

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